



Appeal Decisions

Site visit made on 20 December 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04th January 2024

Appeal A Ref: APP/T1410/C/22/3312250

Land at Flat 2, Park House, 1 Nevill Avenue, Eastbourne BN22 9PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr G Ragunathan against an enforcement notice issued by Eastbourne Borough Council.
- The notice was issued on 8 November 2022.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised insertion of UPVC bay window to south west elevation on the ground floor flat.
- The requirements of the notice are: i. Remove UPVC bay window in its entirety. ii. Clear all resultant debris.
- The period for compliance with the requirement is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/T1410/W/22/3309962

Flat 2, Park House, 1 Nevill Avenue, Eastbourne BN22 9PR

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mr G Ragunathan against the decision of Eastbourne Borough Council.
- The application Ref 220066, dated 26 January 2022, was refused by notice dated 19 May 2022.
- The development proposed is ground floor lounge bay window.

Summary of Decision: The appeal is allowed and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. The Government published a revised National Planning Policy Framework (the Framework) after submissions had been made on the appeals. I have not considered it necessary to consult parties on those revisions, but have taken the Framework, as revised, into account when reaching my decisions.
2. I have amended the description of the development proposed in Appeal B from that set out in the application form, as the development has already been carried out.

Main Issue

3. The main issue in both appeals is the effect of the development on the character and appearance of the building and the surrounding area.

Reasons

4. Park House is a large building split into flats, on a corner plot skirted by low-level boundary planting and walls. It is located within a residential area mainly characterised by large, detached houses set in spacious grounds. There are a broad mix of window designs and finishes visible in the surrounding area, including timber framed sliding sash windows and unplasticized polyvinyl chloride (uPVC) framed casement windows.
5. A bay window comprising three single glazed and timber framed sliding sash windows has been replaced with a new bay window comprising three double glazed and uPVC framed double casement windows. The former bay window was consistent with the design, material, finish and profiles of other timber framed bay windows on the south and east elevations of the appeal building. It had glazing bars in the upper sashes. The replacement bay window has internal glazing bars between the panes of its upper casements.
6. There is variety in the designs of windows and doors on all sides of the appeal building. Single glazed and timber sliding sash windows are present on what appear to be the original parts of the appeal building's south and east elevations, facing the highway. A non-original flat roofed 2 storey extension to the northern end of the appeal building has a large uPVC framed window at ground floor level and a recessed uPVC framed door and window at first floor level facing the highway. I noted other uPVC framed windows and doors on the appeal building's north and west elevations, including on what appear to be original parts of the building.
7. The uPVC bay window the subject of these appeals is in a prominent location facing onto the highway, but its materials, design and finish are sympathetic to the overall design and appearance of the appeal building. It has the distinct appearance of uPVC framed casement windows with integral, rather than true, glazing bars, marking it out as different to the timber framed bay windows elsewhere on the appeal building. Its glazed panes are also larger than those of the timber framed windows on the appeal building.
8. However, the development is seen in the context of other uPVC framed windows of different designs on the appeal building and in the surrounding area. It therefore harmonises with the character and appearance of the building and that of the surrounding area and does not disrupt the cohesion of the appeal building or introduce a sense of clutter.
9. The uPVC framed bay window therefore accords with Saved Policy UHT1 of the Eastbourne Borough Plan (2001-2011) (2007) and Policies B2, D1 and D10A of the Eastbourne Core Strategy Local Plan (2013). These require, amongst other things, development to harmonise with the appearance and character of the local environment, respect local distinctiveness, and to achieve a high standard of finish and a well-designed and attractive built environment.
10. No conditions are necessary to make the development acceptable, or for any other purposes.

Other Matters

11. Representations have been made alleging that the development was carried out without prior approval from all freeholders of the appeal building, in breach

of a lease. These are private matters which do not affect my decision on the planning merits of the development.

Conclusion

12. For the reasons given above, the development does not harm the character or appearance of the appeal building or the surrounding area and accords with the development plan. There are no material considerations, including the Framework, which indicate my decisions on these appeals should be made other than in accordance with the development plan. I therefore conclude that Appeal A succeeds on ground (a) and Appeal B succeeds.
13. The appeal on ground (g) in Appeal A does not fall to be considered.

Formal Decisions

Appeal A

14. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the insertion of UPVC bay window to south west elevation on the ground floor flat at Land at Flat 2, Park House, 1 Nevill Avenue, Eastbourne BN22 9PR as shown on the plan attached to the notice.

Appeal B

15. Appeal B is allowed and planning permission is granted for the ground floor lounge bay window at Flat 2, Park House, 1 Nevill Avenue, Eastbourne BN22 9PR in accordance with the terms of the application, Ref: 220066, dated 26 January 2022.

L Douglas

INSPECTOR