



Appeal Decision

Site visit made on 21 January 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2024

Appeal Ref: APP/U1430/W/23/3327161

Flat 2, 12 Albany Road, Bexhill, East Sussex TN40 1BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Debra Vedgen against the decision of Rother District Council.
 - The application Ref RR/2023/574/P, dated 13 March 2023, was refused by notice dated 15 June 2023.
 - The development proposed is for the replacement of two wooden single glazed sash windows and two small single glazed casement windows with UPVC windows.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and brevity, I have used the description of development given on the Council's decision notice.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issue which I have considered. Where I have referred to provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character or appearance of the Bexhill Conservation Area (CA) and the host dwelling.

Reasons

5. Albany Road is located in the CA and is typified by Victorian brick and tile dwellings with elevations that have white-framed windows. The appeal property, which is known as Flat 2, 12 Albany Road, has original vertical sash timber windows, while the remaining replacement fenestration at No 12 is UPVC.
6. I noted at my site visit that most of the windows seen along Albany Road are replacement UPVC windows rather than original vertical sash timber windows. However, I cannot be certain if the replacement windows at the host dwelling and other properties along the road were installed before the CA was established or not. Therefore, I have considered the proposal before me on its own planning merits.

7. The proposed replacement windows would have casement openers. As such, notwithstanding that the smaller windows would be similar to the mirrored pair at No 10, if the four proposed windows were to be opened at warmer times of the year or to gain fresh air, they would be a highly prominent and non-traditional addition to the front elevation of No 12 that would be seen in both directions along Albany Road. Hence, whether the replacement windows would be UPVC or not, while relatively contained to this specific location within the CA, the proposal would draw the eye and result in an unacceptable degree of harm to the character and appearance of the area and the host dwelling. As such, the proposal would fail to preserve or enhance the character and appearance of the CA.
8. Accordingly, the proposal would result in 'less than substantial harm' to the CA as a designated heritage asset. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 208 of the Framework requires that 'less than substantial harm' should be weighed against any public benefits of the proposal, including where appropriate, securing its optimum viable use.
9. Even if the UPVC replacement windows would elevate the Energy Performance Certificate rating to a 'C' to secure optimum viable use of the dwelling, the public benefits of the proposal would be negligible. For that reason, the public benefits would not outweigh the adverse effects of the proposal on the CA that I have found above.
10. I conclude therefore, that the proposal would be contrary to Policy EN2 and BX2 of the Rother Local Plan Core Strategy 2014, Policy DHG9 of the Development and Site Allocation Local Plan 2019, which say, amongst other things, that development affecting the historic built environment, will be required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabrics and materials, and Paragraph 135 (c) of the Framework, which is clear that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment.
11. For similar reasons, the proposal would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Conclusions

12. For the reasons given above I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR