



Appeal Decision

Site visit made on 29 January 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/U1430/W/23/3317772

23a Western Road, Bexhill TN40 1DU

- 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 Miss N Tidd and Mrs S Ingamells against the decision of Rother District Council.
 - The application Ref RR/2022/1639/P, dated 30 June 2022, was refused by notice dated 20 October 2022.
 - The development proposed is replacement windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is described as replacement windows. The details show that the windows to be replaced are the seven, first and second floor windows on the front elevation of the property. At present these are timber framed windows. The scheme would replace them with uPVC windows which are specified as a heritage design with the accompanying manufacturer's details and plans for this Ultimate Rose window. I will determine the appeal based on the specific design and details of the replacement windows.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and area, having regard to whether or not the scheme would preserve or enhance the character or appearance of the Bexhill Town Centre Conservation Area (the Conservation Area).

Reasons

4. The Conservation Area includes a series of linear streets laid out in an approximate grid pattern. These roads are often lined by terraces and many of the terrace buildings have a consistent design and a rhythmical arrangement of bays and window apertures, including those parts of buildings above ground floor shops. This attractive consistency of design and appearance, with many of the buildings constructed during the late Victorian and early Edwardian period, contributes to a large extent to the heritage significance of the Conservation Area.
5. With some of the buildings, the older timber frame windows remain. These are usually sliding sash windows with a slim frame. With the regular pattern of openings within the terraces, these timber frame sliding sash windows

complement the original design and character of the buildings. However, across the Conservation Area it is noticeable that many original timber frame windows have been replaced by uPVC frames. These replacement frames with their uPVC material, often with a different arrangement of window frame openings and different glazing frame proportions to the originals, appear in general to be visually disruptive to the character of the terrace buildings. This detailing combines to erode an important part of the character of the area that contributes to its heritage significance. Nevertheless, the prevalence of uPVC windows now forms part of the character and appearance of the Conservation Area, albeit generally not a positive one, and I have taken this into account in my analysis.

6. In considering this appeal, I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area¹.
7. The appeal property is located within a terrace of properties on the southern side of Western Road, within the Conservation Area. Along this long terrace, while the shop fronts provide variation at ground level, there is a general consistency of architectural design at first and second floor with the rhythmical pattern of window openings and bays being a particular feature². There remain some older timber frame sliding sash windows on the upper floors of this terrace. Although many of these remaining timber framed windows are in poor repair, the original form and distinctiveness of the upper floors of these buildings is largely intact. There are, however, many window frames in this terrace which have been replaced by uPVC frames, with a mix of designs, and these are noticeable changes to the buildings when viewed from the road. There are also UPVC window frames to buildings on the other side of Western Road, within this part of the Conservation Area, and these are also noticeable from public areas within the street.
8. Like most of the buildings on this southern side of Western Road, the appeal property is a shop on the ground floor with accommodation above. It is located amongst the terrace and retains its older timber frame windows. There are other upper floors in the adjoining parts of this terrace which also retain their timber frame sash windows such that there is a modest grouping of buildings in proximity to the appeal site with their original window materials and they are a positive feature of this part of the Conservation Area.
9. The upper floor windows in the appeal property are in poor repair and the appellants wish to refurbish the building including with the replacement heritage type uPVC windows to this elevation. The design of these uPVC frame windows are better than typical uPVC windows because of the articulation to the detailing and sliding sash form. I saw some examples of these heritage types of window within the Conservation Area. They are, nevertheless, distinguishable from original timber framed sliding sash windows.
10. In this case, as the Council has explained, the frames of the proposed windows would appear to butt up to the sides of the apertures, rather than being set within them, in a more traditional way. This would result in the frames of the windows being bulkier, when compared with the slimmer lines of the existing

¹ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

² There are a small number of buildings where the bays appear to have been removed and a few where a bay was not part of the original design.

timber sash window frames in this building, and those older timber frames in the nearby buildings. Also, the reflective qualities of the double glazing, and the use of the more uniform and machine made general appearance of uPVC as a material, even in matt finish, would be discernible and would serve to draw attention to the frames as differing from their timber equivalents.

11. The existing timber frame windows in these buildings do not have a central, vertical glazing bar and the drawings show that this would be a feature of each replacement window. Furthermore, the horizontal section drawings show that these glazing bars for each window would be applied in front and behind a single continuous pane, rather than being a structural part of the window supporting individual panes. This feature would further exacerbate the visual differences compared with the characteristic features of the existing timber frame sash windows.
12. Taking all these aspects together, the proposed uPVC windows would, even with their heritage type design, result in a noticeable and harmful change compared with the older timber framed windows in this building, even having regard to their present state of poor repair.
13. As a result of the above analysis, I consider that the proposal would cause a noticeable and harmful change to the character and appearance of the host building. As the building is prominent within this part of the street scene and shopping area, the effect would be to diminish an important component of the building which contributes to the character and appearance of this part of the Conservation Area and, therefore, the replacement windows would detract from the significance of this heritage asset. The harm to the Conservation Area as a whole would be less than substantial within the meaning of paragraph 208 of the National Planning Policy Framework (the Framework). In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
14. The appellant has detailed a series of reasons in support of the proposal. In terms of the costs of replacements, the evidence indicates that uPVC windows, even the heritage type as proposed, would be substantially less costly than timber replacements. Furthermore, it is argued that uPVC has a longer life than the equivalent timber replacement windows, especially in the salty air close to the sea. The reduced financial outlay at the start and in time with replacement uPVC frames, it is argued, would have economic benefits that would also help with on-going maintenance costs and support the commercial viability of the ground floor shop.
15. While timber frame windows require on-going maintenance, such as painting, this in itself should not be considered unreasonable given that buildings in general need on-going maintenance and repair, including occasionally with uPVC windows. In the case of this building, for instance, the external upper floor brick work is painted and will require some maintenance. While the case is made that the maintenance of uPVC windows would be more cost effective in the short and medium term than replacement timber windows, the longevity of quality timber windows can be effective in time, even in coastal areas, which is supported on the basis that these older timber window frames are still in place.
16. Furthermore, I give significant weight to the views of the Council's Conservation and Design Officer who advises that after inspecting the windows and despite some minor maintenance related issues, such as broken sash

cords, the windows are in remarkably good condition and simply require minor works to maintain them. In these circumstances, I am not persuaded by the arguments that replacement windows are a matter of necessity.

17. I also note the case made in terms of energy efficiency and the improvement of the living conditions of the residents of this accommodation. Double glazed windows would be more energy efficient than single glazed panes, and this is a worthwhile benefit of the proposal. The Council address this in its appeal statement and include options such as the retrofitting with slim double glazed units and, therefore, replacement of the windows is not the only option to improve energy efficiency and reduce carbon costs. Such changes could be made without harm to the character and appearance of the Conservation Area and would result in the retention of the existing frames. In these circumstances, this tempers the case for the replacement of the windows on energy efficiency grounds.
18. The appellant highlights cases where the Council and Inspectors have permitted uPVC windows within this Conservation Area. For instance, at 35 Park Road³ the Council allowed the use of the same heritage uPVC windows as now proposed as an alternative to the agreed timber frames. This building is in the Conservation Area and I saw it at my site visit. It seems that the building had a mix of mostly metal/uPVC modern replacements and, therefore, the agreement by the Council to allow the heritage designed uPVC was, it is argued, an improvement over what existed at that time. While the Council's agreement to the use of uPVC in the Conservation Area is noted, the circumstances are not the same as with the present case where timber framed windows would be replaced. Consequently, I do not consider that this decision is such that it materially influences the balance of considerations in this appeal. I attribute it limited weight.
19. Reference is also made to 22 Park Road and 12 Albany Road, where it is explained that uPVC windows have been allowed to these buildings within the Conservation Area. The Council in its statement has sought to explain the reasons why these decisions were made and the differences in relation to the present proposal. I do not have the full details of these permissions and the circumstances that led to their approval and, therefore, while I acknowledge these permissions and I saw the effect that they have on the character and appearance of the Conservation Area, I do not consider that they are especially instructive in this case.
20. The appeal decision at 33b Sackville Road⁴, allowed the replacement of timber framed windows with uPVC frames. Again, I saw this property at my site visit. The Inspector makes reference to this property being one of an architectural pair and the windows in the second floor of the partner property were not of a matching style. The Inspector refers to understanding the reasoning of the Council in seeking to secure replacement windows in conservation areas are constructed in traditional materials. He concludes that, in the vast majority of cases, a negative stance (to uPVC windows) in a conservation area would be the appropriate approach. However, the site specific circumstances of that case led the Inspector to take an approach that differed from what he considered should be taken in the vast majority of cases. The planning situation with the present appeal is different, including because it is part of a terrace, rather than

³ Council reference RR/2021/1988/P.

⁴ Appeal Ref: APP/U1430/W/21/3277333 - 33b Sackville Road, Bexhill on Sea, TN39 3JD - 29 March 2022.

a matching pair, and I attribute the case at Sackville Road limited weight in justification of the present appeal.

21. On the other hand, the Council has highlighted two appeal decisions⁵ where Inspectors have dismissed appeals for the replacement of timber window frames with uPVC windows within conservation areas, including the decision concerning the front elevation in Devonshire Road within this Conservation Area (although the rear windows were allowed). Again, these decisions were determined on their merits and while of background information, as with the examples that the appellant highlights, they all differ in some key respects and are not especially directive to the issues in this appeal.
22. The appellant highlights the extent of uPVC windows across the Conservation Area and argues that the sheer number of changes suggests a lack of action on the Council's part or indifference to the changes. However, I do not have details of all the history of these sites, whether some may have been permitted development or that the works have taken place without the benefit of planning permission. Nevertheless, I have taken their presence into account as part of my assessment of the character and appearance of the area and determined this appeal based on its merits.
23. I have also had regard in my considerations that there are no public objections and there is support from Bexhill-on-Sea Town Council and Bexhill Heritage to the proposal. The latter explaining including that the scheme would transform the appearance of the building and greatly improve living conditions for future occupants.
24. Drawing all these matters together, I have taken into account that those matters argued in favour of the scheme can be considered to be public benefits. These include the energy efficiency improvements and the reduced cost of installation and maintenance of uPVC frames which could help support the on-going upkeep of the building and, thereby, would also assist the viability of the business activities on the site.
25. The frontage of the building appears somewhat tired and the windows in poor external condition, and an appropriate form of renovation of the building would assist with improving the general appearance of the façade within this part of the Conservation Area. However, I am not satisfied that these benefits to the appearance of the building could not also be delivered as part of a scheme that renovated the timber window frames and thereby retained this important architectural feature that contributes positively to the host building and Conservation Area. In conclusion, the collective benefits would be modest, even taking into account the weight attached to the economic and energy efficiency aspects of the scheme.
26. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the combined benefits, including the public benefits, of the proposal would be modest and, therefore, would not outweigh the harm to the Conservation Area and its significance, which

⁵ Appeal Ref: APP/B1415/W/21/3277786 - 62 Church Road, St Leonards-on-Sea TN37 6EE - 5 November 2021 and Appeal Ref: APP/U1430/W/22/3311292 - 49 & 49a Devonshire Road, Bexhill-on-Sea, TN40 1BD - 22 June 2023.

although localised, in accordance with the Framework, is required to be attributed great weight.

27. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the host building and not preserve or enhance the character or appearance of the Conservation Area. It would therefore conflict with Policies EN2, EN3 and BX2 of the Rother Local Plan Core Strategy (adopted September 2014), Policies DHG9 and DEN1 of the Development and Site Allocations Local Plan (adopted December 2019) and the Framework which, amongst other things, seeks to ensure that development and change respects and, where appropriate, enhances the late Victorian/Edwardian character of the Conservation Area.

Conclusion

28. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁶.
29. I have found that the proposed replacement windows would detract from the host building and would not preserve or enhance the character or appearance of the Conservation Area. The development would fail the associated development plan policies and, thereby, conflict with the development plan when considered as a whole. There are no material considerations of such weight that indicate that the decision should be made otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR

⁶ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.