



Appeal Decisions

Site visit made on 24 June 2024

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2024

Appeal A: APP/Y9507/W/23/3335620

28a Station Street, Lewes BN7 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Bradley against the decision of South Downs National Park Authority.
 - The application reference is SDNP/23/04236/FUL.
 - The development proposed is 2 No. replacement windows to front elevation.
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Appeal B: APP/Y9507/Y/23/3335636

28a Station Street, Lewes BN7 2DB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Darren Bradley against the decision of South Downs National Park Authority.
 - The application reference is SDNP/23/03930/LIS.
 - The works proposed are replacement of 2 existing front-facing windows with new double-glazed equivalents.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The description of the proposal differs between the two applications but I am satisfied that the proposals are the same and I have dealt with them on that basis.
4. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
5. Although the reasons for refusal do not refer to Lewes Conservation Area (the CA) the local authority's Conservation Officer identified harm to it and the effects on the CA were also addressed by the appellant. In view of my duty under section 72(1) of the Act I have considered the effects on the CA as a main issue.

Main Issue

6. The main issues are whether the proposal would preserve a Grade II listed building known as "27 and 28, Station Street" (Ref: 1286336) (the LB), and any of the features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Lewes Conservation Area (the CA).

Reasons

7. The appeal property comprises the first and second floor of No 28 and is one of a pair of three storey houses which have shops on the ground floor. Together they form the LB. The LB dates from the early 19th century, with grey brick headers on the front elevations and red brick dressings. Each dwelling comprises a single bay and has sash windows on the first and second floors, with the latter being of a smaller size. The shop fronts are also 19th century with paired glazed doors and wooden architrave surrounds.
8. The LB is within tight-knit development on Station Street, which slopes steeply away from the High Street with buildings stepping down the gradient. The LB is prominent owing to its historic shop fronts, distinctive grey headers, red brick dressings, and classically proportioned sash windows. Insofar as is relevant to the appeals, the special interest of the LB lies in its aesthetic value as a balanced pair of 19th century houses with shop fronts within the historic town centre, as well as the evidential value of its historic fabric.
9. The CA covers much of the centre of Lewes which is a historic county town set on the southern face of the South Downs, in a valley formed by the River Ouse. The town dates from at least the 10th century and has experienced several phases of development. Whilst this results in an eclectic mix of materials and styles, there is a notable uniformity in pockets of 19th century in terms of their materials and architectural form. Insofar as it is relevant to the appeals, the significance of the CA therefore lies in the aesthetic and evidential value of the areas of 19th century development.
10. The proposal would remove the two double-hung and single-glazed sash windows with glazing bars on the first and second floor of the front elevation, including the timber frames. The first-floor window has a two-over-two pane glazing pattern whilst the second-floor window has a 12-pane arrangement, with 4 panes on the top sash and 8 on the lower sash. Considering the LB as a whole, the second-floor window is not consistent with the glazing pattern, as both the windows on the front of No 27 are in a two-over-two arrangement.
11. It is not clear which of the two windows is the most authentic. Generally smaller panes would be older than larger panes as cheaper and stronger plate glass was introduced. The increased weight of the glass often necessitated the introduction of 'sash horns' on the upper frame, which strengthened the joints and which are present on the first floor window but not on the second floor window, although this could be because of its smaller size and lighter weight rather than its age.
12. In the surrounding area there are examples of both multi-pane and two-over-two pane arrangements, including instances where the lower windows are in a two-over-two arrangement with smaller multi-pane windows above. Without further investigation there is insufficient information to understand which of the

two windows is more authentic in this case. The existing single glazed windows are important features which hold significant evidential value. This is all the more important given the highly unsympathetic and incongruent windows that have been installed in some of the other buildings along Station Street.

13. The glass and timber frames would be replaced with new timber frames and double glazed 'slimline' units. The applications were made on the basis that the windows would be 'like for like' but it is clear from the details that frames, cills and glazing bars would be chunkier than the existing. The meeting rails would be thicker than the glazing bars, which differs from the existing windows where they are largely indistinguishable. This would change the relationship between the timber elements and the glazing, as the panes would be slightly smaller than existing, resulting in a jarring visual appearance in comparison to the historic windows in the adjoining dwelling. The double-glazed units would also be apparent due to the different visual and reflective qualities which would be discernible in views of the property.
14. As an alternative to a 'like-for-like' replacement, the appellant has suggested that it would be beneficial to replace the second-floor window so that it matches the rest of the building but as set out above, there is insufficient evidence to show that this would be the most authentic response. In any event, I do not accept that this would be a benefit, given the incongruent design and use of highly reflective, non-traditional materials.
15. Overall, the replacement windows would lack the authenticity and elegance of the existing windows and would undermine the evidential and aesthetic value of the LB. The proposal would result in a highly discordant appearance that would detract from the positive contribution that the building makes to the significance of the CA.
16. In justifying the chunkier frames, the appellant explains that slow growing softwood is not available, and hardwood is stronger and requires thicker profiles. However, the use of hardwood does not provide justification for the increase in profile dimensions and the resultant architectural disruption of this façade.
17. I accept that the existing secondary glazing is also reflective and apparent in views of the property. However, this is reversible and only intended to be in place during the winter months. The visual effect is not therefore comparable with permanent double-glazed units. Furthermore, I have no evidence before me to suggest that the use of less reflective secondary glazing alternatives has been considered.
18. The appellant has argued that the windows are in a poor state of repair and will need replacing. While it was clear that they require cleaning and possibly some maintenance, no substantiated evidence has been put forward to demonstrate that they are beyond repair and cannot be refurbished by a specialist contractor. A lack of regular maintenance and the resultant difficulties in opening the windows does not justify the destruction of historic fabric.
19. When properly fitted and maintained, secondary glazing can be removed for cleaning and maintenance and to provide adequate ventilation. Even if the windows were beyond repair, this does not provide justification for replacing them with windows that are not identical in terms of section sizes, nor does it justify the use of double glazing which has a limited lifespan. The appellant

refers to increasing extremes of weather conditions which are causing historic windows to deteriorate faster. Be that as it may, it has not been shown that regular maintenance is incapable of ensuring their longevity and the effective preservation of a heritage asset of national importance.

20. Given the above, I find that the proposal would fail to preserve the special interest of the LB and would fail to preserve or enhance the character or appearance of the CA as required by sections 16(2), 66(1) and 72(1) of the Act.
21. Paragraph 205 of the National Planning Policy Framework (NPPF) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset or from development within its setting and that any such harm should have a clear and convincing justification.
22. Taking into account the scale and nature of the development, I find the harm to be less than substantial, but nevertheless of considerable importance and weight in the planning balance of these appeals. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
23. The public benefits of the scheme were not specifically outlined in the appeal documents but the appellant has referred to the benefits of the double-glazed units. The appellant has suggested that the double glazing would reduce noise transmission to occupiers. While there may be some street noise from traffic on the narrow one-way street and passersby it has not been shown that the living conditions for occupiers are unacceptable. Nor has it been shown that there is no alternative that would be less harmful to the special interest of the LB or the significance of the CA in order to reduce the effects of outside noise.
24. Part of the justification for the replacement windows is to replace the existing draughty windows and achieve better thermal values, with resulting benefits for energy costs and climate change. I give significant weight to the need to support energy efficiency as required by paragraph 164 of the NPPF. No detailed evidence has been provided by the appellant however to demonstrate that the proposal would result in better thermal values than could be achieved through alternative less harmful approaches. Paragraph 164 does not disapply those part of the NPPF set out above or the need to give any resulting harm great weight in the public benefit balance.
25. I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance. I also note that the continued viable use of the appeal property as a dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
26. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special interest of the Grade II listed building and that the character or appearance of the CA would be neither preserved nor enhanced. This would fail to satisfy the requirements of the Act, paragraph 205 of the

NPPF and would conflict with policies SD12, SD13, SD14 and SD15 of the South Downs Local Plan 2019 and Policy HC3B of the Lewes Town Neighbourhood Plan 2019. These seek, amongst other things, to ensure that development is only permitted where it would conserve and enhance the historic environment.

Other Matters

27. The appellant refers to a consent¹ at 2 St Pancras Road where slimline double-glazed units were considered acceptable by the same authority. The information provided by the local planning authority shows that the circumstances were materially different, as the property was curtilage listed with 20th century windows which were found to be of far less intrinsic value. Moreover, the double-glazed units were fitted within the existing frames, with the retention of glazing bars, and the only modification was to the interior rebates. There was therefore only very limited loss of fabric.
28. Reference was also made to a recent decision in a neighbouring authority relating to a Grade I listed building at Brunswick Terrace, Hove². In that case, the sashes were found not to be of a historic pattern and historic fabric would not be lost. The original sash boxes were to be retained and the works were considered to comply with relevant guidance. I do not find that either of the examples put forward by the appellant are directly comparable and they do not indicate that the appeals should be allowed.

Conclusion

29. For the reasons given above the appeals should be dismissed.

N Thomas

INSPECTOR

¹ Ref: SDNP/23/02683/LIS

² Ref: BH2022/03828