



Appeal Decision

Site visit made on 6 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/Y9507/W/24/3346420

Flats 5,6,9 & 10 Broomans Court, Broomans Lane, Lewes, East Sussex BN7 2LT

- 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 Broomans Court Residents Association (Lewes) Ltd., against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/04536/FUL.
 - The development proposed is for the replacement of 6 No (3 pairs) single glazed timber bay windows with 6 No UPVC double glazed casement windows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For certainty, I have used the address given on the Council's decision notice.
3. The National Planning Policy Framework (the Framework) was revised on 12th December 2024. However, I am satisfied that any changes to the Framework have not prejudiced any party in this case. Consequently, in reaching my decision I have therefore had regard to the new Framework published in December 2024, and any reference to Paragraph numbers are to this version.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the character and appearance of the Lewes Conservation Area (CA); and
 - the effect of the proposal on biodiversity and economic capital.

Reasons

Conservation Area

5. Broomans Court is located in the CA and found to one side of Broomans Lane which is lined by a flint wall as it runs from Friars Walk to Lewes High Street.

6. The host dwelling is an apartment building of ten flats that has a mix of timber and UPVC fenestration, including single-glazed casement and feature oriel type windows.
7. In the surrounding CA and its setting there are also other developments which have new or replacement fenestration that has been fabricated using a combination of materials. For example, the residential dwellings known as Styles Court, Greyfields Court and Lewes Library. However, from the evidence before me, it is likely that these schemes were approved under a previous development plan. As such, I have considered the proposal on its own planning merits.
8. The oriel, bay type windows add elevational interest to the modest host dwelling. Therefore, even if the proposed double-glazed windows were to be constructed in a traditional-type material such as timber, removal of these features would result in a flat and plain appearance to the elevation of the building. Consequently, the proposal would erode the established character of the host dwelling and diminish its historical type design that accords with other heritage assets in the CA and the wider Lewes townscape.
9. Indeed, when living in a CA it should be accepted, that certain features are an integral part of the surroundings; otherwise the result would be a gradual erosion of the character and appearance of that area, as features people seek to change or remove are lost.
10. Furthermore, while the appellant contends that the new windows would only be glimpsed on a short section of the relatively enclosed Broomans Lane, I find to the contrary. Although conditions in the narrow-walled lane would be less than ideal for reflections from the double-glazed windowpanes that were of a concern to the Council, the use of more contemporary materials in this specific section of the CA would nevertheless be highly visible for those using the footway when making their way to and from the well-used Lewes High Street.
11. Overall, I conclude that the proposal would fail to preserve or enhance the character and appearance of the area and, as the competent authority, that the harm would be 'less than substantial'.
12. It follows then that the proposal would not meet the aims of Policies SD4, SD5, SD12 and SD15 of the South Downs Local Plan 2014-2033 (2019) (SDLP) as supported by Policies HC3A, HC3B and PL2 of the Lewes Neighbourhood Plan (2019) (LNP), which say that development proposals will only be permitted where they conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.

Biodiversity and economic capital

13. The appellant has submitted an 'Ecosystem Services Statement' in support of its case which outlines the energy efficiency of UPVC windows. However, the Council argue that shutters and secondary glazing or other thermal insulation measures in combination with manufactured hard wood, single-glazed timber windows or the existing windows would not only be more sustainable but also have similar or greater energy efficiency.

14. Even if the UPVC windows were to be double glazed, the relative efficiency of a UPVC product would not outweigh its environmental harm in comparison to a timber product, which could be repaired and/or, upgraded over time.
15. Moreover, while the appellant questions the relevance of Policy SD2 of the SDLP to the scheme, I have limited evidence before me related to any mitigation measures that would reduce the environmental harm associated with the scheme. For example, but not limited to, provision of bird and bat boxes, water butts, new planting and on-site composting.
16. I conclude therefore, that the submitted 'Ecosystems Services Statement' is less than ideal and fails to identify mitigation for the preservation of biodiversity and ecological capital.
17. Accordingly, the proposal does not meet the requirements of Policies SD2 and SD9 of the SDLP as supported by Policy LE1 of the LNP which require that development proposals should have an overall positive impact on the ability of the natural environment.

Other Matters and Planning Balance

18. Whilst in close proximity, the small-scale proposal would not harm the setting of the Grade II flint wall opposite the appeal site.
19. Broomans Court is located in the CA, which is a heritage asset. Paragraph 212 of the Framework states that great weight should be given to a heritage asset's conservation. I have found that the proposed development would fail to preserve or enhance the character and appearance of the CA. In accordance with the Framework, I am required to assess the extent of such harm. I found above that the harm to the CA would be 'less than substantial'. Where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, Paragraph 214 of the Framework is clear that this harm should be weighed against the public benefits of the proposal.
20. As such, the proposed replacement windows would be likely to improve the living conditions of the existing and future residents of Broomans Court. I afford this some moderate weight. Economic benefits related to the purchase and installation of the windows would be short-term. I give this limited weight. Therefore, even in combination, these matters do not outweigh the harm to the CA I have found above.

Conclusions

21. The proposal would fail to preserve or enhance the character and appearance of the CA and to mitigate harm to biodiversity and capital economy. As such, the proposed development conflicts with the development plan taken as a whole, and as there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with the development plan and the Framework, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR