



Appeal Decision

Site visit made on 20 March 2025

by **Martin Andrews MA(Planning) Bsc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/M2270/D/25/3359057

47 Lime Hill Road, Tunbridge Wells TN1 1LJ

- 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 E Ozdemir against the decision of Tunbridge Wells Borough Council.
 - The application Ref. is 24/02170/FULL.
 - The development proposed is replacement front fenestration (retrospective)
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Decision

1. The appeal is allowed and planning permission is granted for replacement front fenestration at 47 Lime Hill Road, Tunbridge Wells TN1 1LJ in accordance with the terms of the application, Ref. 24/02170/FULL and the plans submitted with it. This is subject to the condition that no further alterations to the fenestration of the frontage of No. 47 Lime Hill Road shall be made without the prior approval of details first submitted in writing to the Local Planning Authority.

Main Issue

2. The main issue is the effect of the replacement windows on the character and appearance of the street scene and the significance of the Tunbridge Wells Conservation Area as a designated heritage asset.

Reasons

3. The Council's conservation officer's consultation reply on the application refers to the appeal building (which in terms of built form includes the basement No. 47a) as being part of the group of Nos. 29-51 with *'basement floors and prominent timber framed gables in a late 19th century arts and crafts style'*. From the appeal parties' evidence and my own observations at my visit it would appear that of the twelve buildings in that group, and including the basement of No. 47a) but not No. 47 itself, no less than eight have uPVC frames on all or some of their windows. This is two thirds of the group and although the appeal application for window retention on the ground, first and second floors does increase the extent of uPVC, it does not increase the number of altered buildings. In addition to the above, I noted that there are a number of other buildings outside this group with uPVC windows.
4. The change of appearance to the eight buildings is likely to have been partly outside the Council's control (the older installations) and partly within it (the potential for enforcement action but not taken). Be that as it may, the fact is that the appearance of this group of buildings and this part of the street scene has now materially changed. And whilst No. 45 to the east side of No. 47 still has wooden

frames, albeit apparently in poor condition, the frontages of Nos. 49 & 51 on the other flank are wholly uPVC, as is the basement of the appeal building.

5. The Council also objects to the details of the windows, including their failure to replicate the originals. This is unfortunate but the style is essentially the same, and unlike some of the neighbouring buildings with their casement fittings, the sliding sash design has been retained. And as regards the use of uPVC, the appeal scheme reads more with the greater amount of the uPVC in Nos. 49 & 51 than it does the original wooden frames of No. 45.
6. As such, other than to the professional eye as represented in this case by Council officers, I do not consider that No. 47 stands out as being harmfully out of keeping with a street scene already significantly altered over the years. Nonetheless, the principle of the use of uPVC to replace timber in the fenestration is in conflict with Policies EN4 & EN5 of the Tunbridge Wells Local Plan and the Council's design guidance. I therefore agree with the Council that harm would be caused to the significance of the conservation area, but that this is '*less than substantial harm*' as referred to in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework, revised December 2024, ('the Framework'). However, I am also of the view that this is at the lower end of that broad-based category. I refer to this assessment again in paragraphs 8 and 9 below.
7. The Officer's Report quotes from the dismissed 2019 appeal for uPVC windows at No. 23 (Ref. APP/M2270/W/19/3233191) in support the Council's refusal of replacement fenestration at No. 23 Lime Hill Road and I recognise that the Inspector's comments are relevant to this appeal. However, in paragraph 4 the appeal decision explains that the property is a second floor flat within a 3 storey terraced building, and with the terrace as a whole comprising Nos. 21-27. In the Inspector's view, the proposed uPVC windows, by being the single exception at one flat in four buildings, each of three storeys, would '*result in erosion of the uniform appearance of the terrace comprising Nos. 21-27 Lime Hill Road*'. However in this current appeal at No. 47, to the extent that uniformity exists it is in the form of uPVC in two thirds of the buildings. Moreover, it forms all of the front fenestration in the adjoining Nos. 49 & 51 to the west. These factors limit the relevance of any comparison as the circumstances are quite different.
8. Whilst I nevertheless consider that there would be some harmful conflict with the Council's policies, Paragraph 215 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (the conservation area), this harm should be weighed against the public benefits of the proposal. In this regard, the Officer's Report refers to the higher thermal efficiency of uPVC and the associated impact of less use of carbon use.
9. I accept the Council's judgement that on its own this public benefit is insufficient to outweigh the harm caused. However, unlike the self-contained flat at No. 23 in the 2019 appeal, the intention at No. 47 is to use the building as an HMO for which planning consent has been granted. Other than people who are homeless and occupy hostels, a room in an HMO with shared facilities is at the bottom of the housing ladder and the appeal property is in an area (Tunbridge Wells) I consider it reasonable to presume is limited in its supply of cheaper housing accommodation.

10. With the proposed HMO at No. 47 being a property of an age and design that has large rooms and high ceilings the thermal efficiency becomes much more of an issue. The adequate provision of affordable housing, not just in terms of rent but also affordable as regards day to day living costs including heating, is in my view a public benefit. Although arguably not in itself fundamental, this benefit is of sufficient weight to outweigh what I consider to be a finding of harm that is more one of principle than actuality, given the extent to which uPVC is already present in the Lime Hill Road street scene.
11. On balance, the appeal is allowed. Instead of the more usual condition in retrospective applications that the development shall reflect the existing plans, I consider it more apposite in the interests of certainty and proper planning to make any further alterations to the fenestration the subject of the Council's control.

Martin Andrews

INSPECTOR