Flat 3, 33 Winchester Road, Worthing, BN11 4DH

PINS Ref - APP/M3835/W/25/3369204

LPA Ref – AWDM/0502/25

Response to LPA's statement

Thank you for forwarding the LPA response and for giving us the opportunity to respond.

My clients accept that they made an error of judgement, but they were not aware that an application was required to replace windows which were no longer fit for purpose, and they were not aware that a lot of the window replacements which had taken place would not have been allowed if they had been submitted for approval. They simply followed what had been done before and were taken aback when they were informed that they had to remove theirs.

I would reiterate that our clients approached a window replacement company and asked them to provide replacement windows to the failing windows. It was an error of judgement that they did not check with the Local Authority to see if they needed any consent and they accept this.

They accepted the quotation from the window company and, in good faith, undertook the replacement of the windows. They felt that they had done all they could and should in this respect and that if any consent were needed the window company would, or should, have raised this. However, as noted in the LPA's Appendix 1 and our submission, there is a mix of window types in the street. Were they all uniform they may have felt that the approach from the installers was wrong, but with a mix of timber, upvc and aluminium windows in existence, and their replacement windows matching those of the first floor at no.37 they did not feel that they were bringing any harm to the area. The LPA state that the replacement windows to the first floor of no.37 do not have consent. We do not feel it is reasonable for our clients to have researched which windows were consented and which were not as they would not be familiar with the planning website and would not necessarily have appointed a professional person to look into, what they felt was, a simple window replacement.

The point in question, however, is does this replacement cause harm to the character of the area, or has harm already been caused by other replacements? Does the replacement of these windows affect or change the character which exists in the street or is this simply progression with owners wanting to replace windows with energy efficient windows to reduce energy bills and to do 'the right thing' with responding to climate change. Would the character change if these windows were removed and sliding sash windows installed instead or is the area responding to change?

Should the inspector feel that harm has been caused they would be correct to dismiss the appeal, however, should the inspector feel that the homeowners acted with good faith and did not set out to cause harm, and more so, that the area reflects changes and has already changed beyond what the LPA are looking to preserve then we would respectfully ask that they allow the appeal.