



Appeal Decision

Site visit made on 7 December 2010

by John G Millard DipArch RIBA FCI Arb

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 December 2010

Appeal Ref: APP/Q1445/A/10/2132446

Flat 2, 12 St George's Terrace, Brighton, East Sussex BN2 1JH

- 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 Mr Michael Hobbs against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/00477, undated but received by the Council on 18 February 2010, was refused by notice dated 2 June 2010.
 - The development proposed is the replacement of two existing windows.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in this appeal is whether the proposed replacement windows would preserve the listed building and any features of special architectural or historic interest it possesses, and whether they would preserve or enhance the character or appearance of the East Cliff Conservation Area, within which the building is located.

Reasons

3. The appellant contends that the subject building is not listed but has offered no evidence in support of that view. He also suggests, again without the benefit of supporting evidence, that the rear wing, in which the replacement uPVC windows are proposed to be sited, was built in the 1980s. Whilst this may be the case, it was almost certainly in place when the building was added to the statutory list in August 1999 and is thus an integral part of the listed building. Accordingly, whilst the appeal relates to an application for planning permission, listed building consent would also be required.
 4. The street block containing the appeal property is just one building deep so that the backs of the buildings face directly onto Montague Street. The two windows to be replaced are located at the rear of the building at what appears, in relation to Montague Street, to be first floor level. One is a traditional timber sliding sash with exposed box frame and is so positioned that it is clearly seen
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- from Montague Street. The other is a small side-hung timber casement in the side of the rear wing, facing the building's private courtyard and with limited visibility from any public location.
5. The building forms part of a terrace of four substantial early 19th century dwellinghouses of consistent design, all Grade II listed and adjacent to a fifth listed house from the same period. Whilst the principal façades of these buildings retain most of their historic character and detailing, they have been altered and extended at the rear to varying degrees and in a variety of ways. I also saw a number of replacement windows, including some double glazed uPVC units.
 6. Policies HE1 and HE6 of the adopted Brighton and Hove Local Plan 2005 (LP), with the support of national Planning Policy Statement 5 – *Planning for the Historic Environment* with its associated Practice Guide (PPS5), seek to protect listed buildings and conservation areas from harmful alterations. Paragraph 152 of the PPS5 Practice Guide suggests that windows are often key to determining the character of a building and that, where their replacement is unavoidable, it should be carried out on a like for like basis. Similar principles are contained within the Council's adopted Supplementary Planning Document 09 – *Architectural Features* (SPD09).
 7. Whilst I noted that the windows concerned in this case were in relatively poor condition, I saw nothing to suggest that they were beyond economic repair or that replacement was the only possible option. In any event, SPD09 is unequivocal in stating that the use of uPVC replacement windows in listed buildings will not be permitted and there is nothing before me to suggest that the appeal property should be regarded as a special case and treated differently from any other listed building.
 8. All the existing windows in the rear of the property, visible from Montague Street, are of traditional design and timber construction and it is clear that the introduction of two uPVC replacements would disrupt the visual unity that presently exists, causing material harm to the historic character of the building and to the character or appearance of the Conservation Area. This harm would not be diminished or justified by the presence of uPVC windows elsewhere in the terrace.
 9. For these reasons it is my conclusion that the proposal would fail to preserve the special interest of the listed building and neither preserve nor enhance the character or appearance of the Conservation Area, in conflict with national and local objectives for protection of the historic environment set out in PPS5 and LP Policies HE1 and HE6.
 10. I have considered all other matters raised, including a letter of support for the proposal from the occupier of No 11 St George's Terrace, but have found nothing that changes the balance of my decision that the appeal should be dismissed.

John G Millard

INSPECTOR