



Appeal Decision

Sit Visit made on 13 October 2008

by **David Harmston FRICS DipTP MRTPI**

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

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Decision date:
15 October 2008

Appeal Ref: APP/Q1445/A/08/2078838

100 Church Street, Brighton, East Sussex BN1 1UJ

- 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 T C Paddenbergh against the decision of the Brighton and Hove City Council.
- The application (Ref BH2007/04013), dated 10 October 2007, was refused by notice dated 28 December 2007.
- The development proposed is the replacement of windows on first and second floors and alterations to shop entrance and office entrance doors and windows on the ground floor.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area having regard to the location of the site within the North Laine Conservation Area.

Reasons

3. No 100 Church Street is a modern 4-storey building erected in the 1980s. It is in use as a shop on the ground floor with offices above. The site occupies a very prominent position in central Brighton at the junction of Church Street with Gardner Street, within the North Laine Conservation Area. The proposal is to replace the existing timber windows on the first and second floors with uPVC sliding sash windows. In addition, and whilst the timber shop windows on the ground floor would be retained, the shop and office entrances would be altered and widened slightly. This work would be undertaken with frames of a powder-coated aluminium form of construction. The Council states that the uPVC replacement windows proposed at the rear of the building (which I take to mean those numbered X20 – X24 on the application plans) are acceptable, due to their less prominent location. For the avoidance of doubt, I note that the submitted drawings refer in various places to the front elevation of the building as being to *North Street*. I take this to mean *Church Street*.
4. The site is within a sensitive area within the commercial heart of Brighton where a number of listed buildings are present nearby. Having regard to Policies QD1, QD14, HE6 and ENV27 of the Brighton and Hove Local Plan, as

well as the guidance set out in *The North Laine Conservation Area Study – Third Revision (January 1995)*, new windows and doors using materials such as uPVC and powder-coated aluminium are capable of being acceptable in some buildings having regard to the individual circumstances of the case and the detailed design of the replacements. The Council does not resist the proposals because of the use of non-timber materials as a matter of principle but because the finishes and detail of the new materials would have the effect of introducing a mixture of materials and detailing into the building where uniformity of profiling and colour is an important consideration.

5. In my conclusion the particular uPVC and aluminium frames proposed would be plainly artificial in appearance and would not sit comfortably together on the same elevation. It is their detail in terms of fine profile, finish and colour which are critical to their acceptability. For instance, and whilst the overall proportions and dimensions of the new sash windows would be a reasonable match to those existing, it is their detailing which is deficient. Deeper bottom rails are necessary to provide a more traditional appearance whilst the cross-sectioning of the frames with the use of chamfers surrounding the glazed areas would introduce a flatter feature and a less articulated and blander profile into the exposed street elevation.
6. Apart from the use of different materials on the ground floor to those above I realise that these criticisms are matters of detail. Nevertheless, and whilst it may well be possible to design a scheme that overcomes the objections raised by the Council using artificial materials, the proposals before me are unacceptable because of their negative visual impact on the character and appearance of this visually important area in the ways I have described. With such a prominent, albeit quite modern, building in such a sensitive and exposed corner location, I believe that any scheme for the replacement of the windows and doors should respect and echo the detailed design and appearance of the existing structure and if possible enhance it. These proposals fail to do that and are unacceptable for that reason.
7. I conclude that the development would fail to preserve or enhance the character or the appearance of the North Laine Conservation Area and would conflict with the provisions of the Local Plan in respect of the policies to which I have referred above. I have considered whether a split decision would be appropriate in this case as the proposed replacement rear windows are not contentious. However, it is probable in my view that if a satisfactory scheme could be devised for the front of the building then this would be likely to incorporate those windows as well. In these circumstances a split decision would not be appropriate. I have taken into account all the other matters raised but my decision and the reasons for it concerning the unacceptability of the proposals have been determined by my conclusions above in relation to the main issue. I dismiss the appeal accordingly.

David Harmston

Inspector