



Appeal Decision

Site visit made on 6 March 2012

by E A Lawrence BTP MRTPI

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

Decision date: 14 March 2012

Appeal Ref: APP/Q1445/D/12/2169503

24 North Gardens, Brighton, East Sussex, BN1 3LB

- 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 Ms V Youlten against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/02247 was refused by notice dated 4 November 2011.
 - The development proposed is installation of wood framed window and cill on front of house at 1st floor level above front door porch. Render existing brick pilasters and dwarf walls supporting railings and gate.
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Decision

1. The appeal is dismissed insofar as it relates to the installation of a wood framed window and cill on front of house at 1st floor level above front door porch. The appeal is allowed insofar as it relates to the rendering of the existing brick pilasters and dwarf walls supporting railings and gate and planning permission is granted for render existing brick pilasters and dwarf walls supporting railings and gate at 24 North Gardens, Brighton, East Sussex, BN1 3LB in accordance with the terms of the application, Ref BH2011/02247, dated 8 July 2011 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings showing the existing and proposed wall/pillar details and the submitted design and access statement in so far as they relate to the alterations to the garden walls and pillars.
 - 3) Prior to the commencement of the development hereby permitted drawings of the proposed pilaster caps, at a scale of a minimum of 1:10, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the terrace and whether it would preserve or enhance the character or appearance of West Hill Conservation Area.

Reasons

3. Uniform two storey terraces, narrow streets arranged in a strong street grid pattern and the undulating topography of the area all contribute to the character and appearance of this part of the heritage asset, West Hill Conservation Area. The Appeal dwelling is located within the northern part of a modest sized two storey terrace, where the front elevations of the individual dwellings are consistent in their design and appearance.
4. Whilst some changes have been made to their appearance over the years, overall the strong sense of rhythm and symmetry in the front elevation of the terrace has been retained. Notwithstanding this, the changes that have been made to the original fenestration, illustrate how even minor changes can weaken the overall integrity in the design and appearance of the terrace. Similarly the insertion of a small bow window into the blind window detail in another dwelling in the row highlights the harm such changes can make to the character and appearance of individual dwellings and the terrace as a whole.
5. The dwellings in this part of the terrace were all designed to have a single blind window at first floor level on the front elevation. This feature makes a significant contribution to the character and appearance of the terrace and is typical of many buildings of this period within Brighton.
6. The proposed new window has already been provided and whilst it respects the fenestration of the replacement windows in the host dwelling, it has completely altered the appearance of the dwelling and upsets the symmetry and uniformity of the terrace. The situation is exacerbated by the fact the replacement windows in the host dwelling are quite different to the original windows in terms of their design detailing and appearance.
7. As a result the proposed window seriously and unacceptably undermines the character and appearance of the host dwelling, the terrace and the conservation area. As stated in the Council's Supplementary Planning Document 09 - *architectural features*, where a blind window was part of the original design of a dwelling it will not be appropriate to open it up with a window, unless to do so would not harm the symmetry of the building or the group value of a terrace.
8. Although the benefits to the Appellant from providing an additional window at first floor level are noted, they would not outweigh the harm that the window causes to the character and appearance of the property.
9. Conversely the proposed rendering of the garden walls and new pilaster caps would improve the appearance of the front garden area and the setting of the dwelling. Unlike the existing brick walls, the resultant wall and pillars would respect and blend in with the front elevation of the dwelling, the terrace and the wider conservation area. This is provided the pilaster caps are of an appropriate scale and design. As indicated by the Council's conservation officer, this is something that could be controlled through the submission of larger scale details and can thus be dealt with by condition. In addition, it would be necessary to impose a condition requiring the alterations to the walls to be implemented in accordance with the approved drawings and Design and Access statement, for the avoidance of doubt and in the interests of proper planning.
10. I conclude on the main issue that the proposed new window unacceptably harms the character and appearance of the host dwelling and the terrace and fails to preserve or enhance the character or appearance of the West Hill

Conservation Area. As such this part of the proposal conflicts with policies QD14 and HE6 of the Brighton and Hove Local Plan, which seek to ensure that proposals are well designed and detailed in relation to their host building and surroundings and that they preserve or enhance the character or appearance of conservation areas.

11. However, the proposed alterations to the front garden walls and pillars would respect the host dwelling and the terrace and would preserve the character and appearance of the Conservation Area. Accordingly this part of the proposal would comply with policies QD14 and HE6 of the Local Plan.

Conclusion

12. I consider that the two parts of the proposal are clearly severable, being both physically and functionally independent. I therefore propose to issue a split decision in this case.

Elizabeth Lawrence

INSPECTOR

