



Appeal Decision

Site visit made on 12 March 2013

by David Hogger BA MA MRTPI MCIHT

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

Decision date: 18 March 2013

Appeal Ref: APP/Q1445/D/13/2191540
76 Ditchling Road, Brighton BN1 4SG

- 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 Sue Chamberlayne against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03283 was refused by notice dated 7 January 2013.
 - The development proposed is the replacement of windows to the front elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly whether or not the proposal would preserve or enhance the character or appearance of the Round Hill Conservation Area (CA) and secondly the effect of the proposed replacement windows on the appearance of the host dwelling.

Conservation Area

3. The property lies on the edge of the CA in a slightly elevated position above the road. The special features that contribute to the character of this part of the CA are the architectural style, detailing (including fenestration) and scale of the dwellings, the front boundary treatments and the attractive front gardens that include a significant number of trees and shrubs. It is proposed to replace the existing timber windows with UPVC double glazed windows.
4. Fenestration is an important component in the overall character of this part of the street and although reference is made to a number of properties that already have UPVC windows, many of them are located on the other side of the road which is not in the CA. The appellant specifically refers to some relatively recent examples where the Council has granted planning permission for UPVC windows but there is no evidence that any of these properties are located within a conservation area. In any event this appeal must be determined on its own merits.
5. I am required to determine this appeal in accordance with the Development Plan unless material considerations indicate otherwise. Saved policies HE6 and QD14 of the Brighton and Hove Local Plan (LP) require the preservation or enhancement of conservation areas, the use of sympathetic materials and the retention of original features in a location such as this. The foot note to policy

HE6 specifically states that the alteration of timber sliding sash windows will be resisted. Further advice is included in the Council's Supplementary Planning Document (SPD) entitled 'Architectural Features' (2009), to which I attach moderate weight because it has been subject to public consultation. The SPD advises that 'original or historic windows should be retained unless beyond economic repair' and paragraph 2.22 states that the acceptability of UPVC windows will be 'limited in conservation areas to rear elevations and new extensions'.

6. It is clear that the proposed replacement windows would be contrary to the Council's policy. The issue therefore becomes whether or not there are material considerations that would outweigh the policies of the Development Plan.
7. The replacement windows in the front elevation would be clearly seen by passers-by and although the proposed windows would broadly reflect the appearance of the existing windows they would not be identical and would be of an inappropriate material. The character of the CA would consequently be diminished. No evidence was submitted to demonstrate that the existing windows are beyond economic repair.
8. I conclude that the proposal would not preserve or enhance the character or appearance of the CA. The requirements of saved policies QD14 and HE6 of the LP, as referred to above, would not be met.

Host Dwelling

9. Although No 76 is not a listed building it is nevertheless of some historic and architectural interest and it makes a valuable contribution to the street scene. I have already concluded that the replacement windows would not preserve the character of the CA and for the same reasons of design and materials they would detract from the appearance of the host dwelling. The requirements of LP saved policies QD14 and HE6, particularly with regard to the use of sympathetic materials and the retention of original features, would not be met.

Other Matters and Conclusion

10. I have attached some weight to the fact that the replacement windows would be more thermally efficient and secure than the existing windows but that does not outweigh my conclusions regarding character and appearance. For the reasons given above and having regard to all other matters raised, including the fact that the Council is on a list of 'approved authorities' with regard to the Rehau Heritage Vertical Sliding Window System, I conclude that the appeal should be dismissed.

David Hogger

Inspector