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# Appeal Decision

Site visit made on 9 April 2013

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: 30 April 2013

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**Appeal Ref: APP/Q1445/A/12/2187827**

**126A Western Road, Brighton, East Sussex, BN1 2AD.**

- 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 Goodwood Investments Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2012/01918, dated 20 June 2012, was refused by notice dated 30 August 2012.
  - The development proposed is described as the replacement of windows on front elevation on 1<sup>st</sup> and 2<sup>nd</sup> floors.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider the main issue to be the effect of the replacement windows on the host building and thereby whether they would serve to preserve or enhance the character or appearance of the Montpelier and Clifton Hill Conservation Area.

## Reasons

3. The property the subject of this appeal, located in the Montpelier and Clifton Hill Conservation Area, is a first and second floor maisonette over a lettings agent on the ground floor within a terrace of similar 19<sup>th</sup> century properties on the north side of Western Road. It is one of a central group of five buildings, characterised by their stucco finish and canted bays at first and second floor level, within an overall terrace of eight. I saw that the majority of the timber sash windows to the first and second floor bays have previously been replaced by windows of a variety of materials and opening configurations.
  4. uPVC casements, both fixed and opening lights, have been installed here. Due to the windows' casement and opening light design, they fail to reflect the style or elegance of traditional timber sliding sash windows. Further, the frames do not have the depth or mouldings of traditional timber frames and their finish is also quite different to painted timber. For all these reasons, the uPVC windows detract significantly from the architectural integrity of the host building and,
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thereby, the appearance of this late 19<sup>th</sup> Century building standing in the Montpelier and Clifton Hill Conservation Area.

5. I note the appellant's contention that the replacement windows are of the same design with equally thick frames as those they replace. Even if this is so, the new windows have been fabricated in uPVC and not painted timber and therefore as well as not being a like for like replacement appear very different. Accordingly, they materially affect the external appearance of the building.
6. I appreciate that there is no standard opening pattern to the windows in the neighbouring bays. However, the mismatch of materials and design of windows to the properties has led to the poor visual state of the central properties in the terrace. Furthermore, the existence of poorly designed and unattractive replacement windows to neighbouring properties, none of which I understand from the Council have the benefit of planning permission, is not an appropriate justification for permitting more here.
7. I am aware of the benefits that double glazed uPVC windows may have in terms of energy efficiency and improved sound proofing particularly in this busy urban location. There are, however, ways of improving the performance of traditional timber windows without undermining their appearance or contribution to the character of a building.
8. I therefore conclude that the uPVC windows installed at 126A Western Road are visually and architecturally unacceptable, and to retain them would be to disregard the duties imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in the National Planning Policy Framework along with Policies QD14 and HE6 of the Brighton and Hove Local Plan as they relate to the quality of design and preservation or enhancement of the character or appearance of conservation areas.

### **Conclusions**

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR