

ITEM B

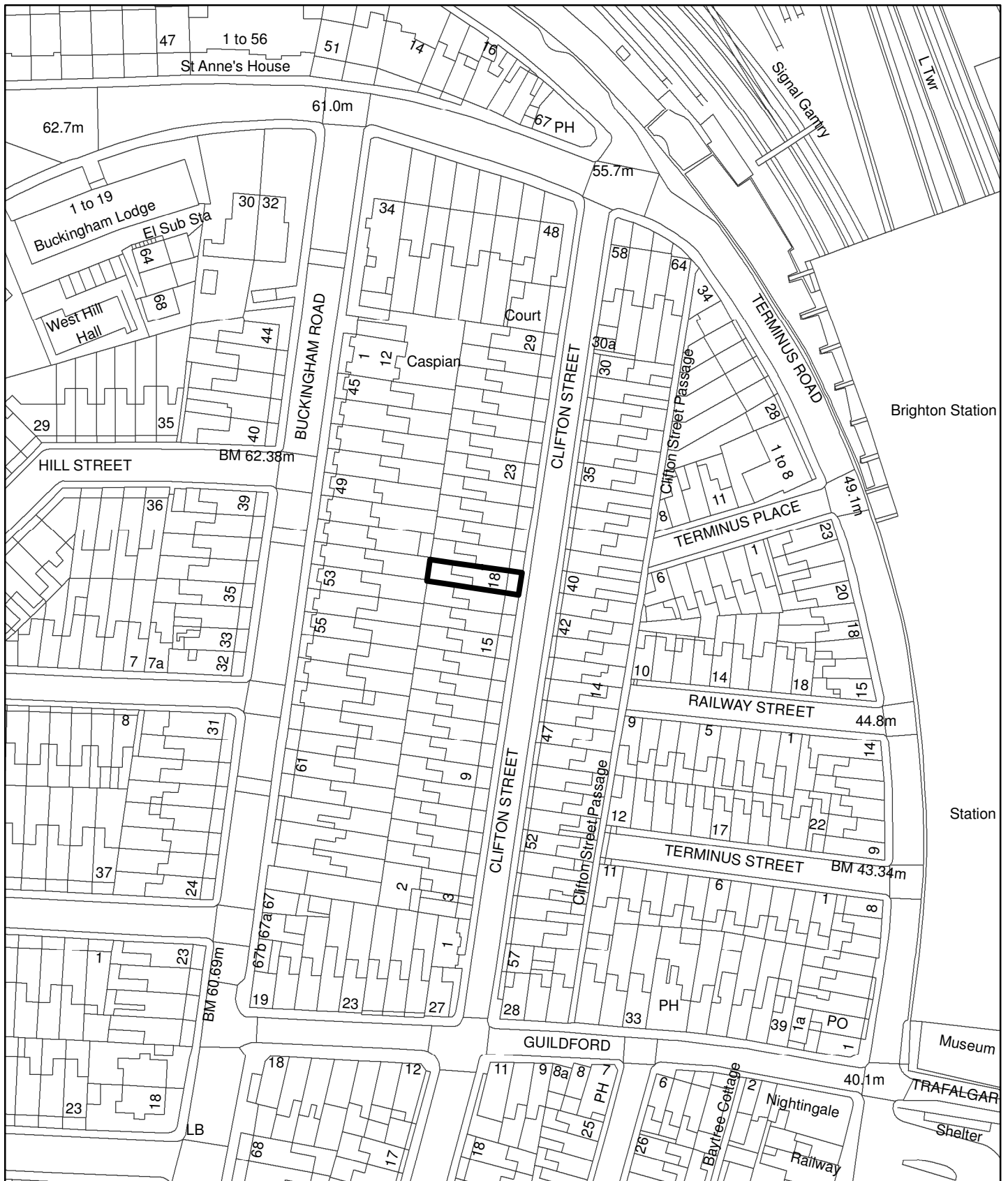
Top Floor Flat, 18 Clifton Street, Brighton

BH2013/03492

Householder planning consent

29 JANUARY 2014

BH2013/03492 Top Floor Flat, 18 Clifton Street, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

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<u>No:</u>	BH2013/03492	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Top Floor Flat 18 Clifton Street Brighton		
<u>Proposal:</u>	Replacement of existing timber single glazed windows with UPVC double glazed windows (Retrospective).		
<u>Officer:</u>	Robin Hodgetts Tel 292366	<u>Valid Date:</u>	24 October 2013
<u>Con Area:</u>	West Hill CA and Article 4	<u>Expiry Date:</u>	19 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Weald Designs, Ranelagh, St Johns Road, Crowborough TN6 1RT		
<u>Applicant:</u>	Randolph Morse, 16 Cleve Terrace, Lewes BN7 1JJ		

This application was deferred from the 8th January 2014 committee meeting in order that a site visit can be carried out.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a three storey, terraced property that is sub-divided into three flats. It lies on the west side of Clifton Street and lies within the West Hill conservation Area and is subject to an Article 4 direction.
- 2.2 The street is characterised by a consistent design of terraced properties; three storeys to the west side and two storeys to the east. There is a mix of timber and upvc fenestration with upvc windows present at Nos. 7, 13, 14, 15, 19, 41, 47 and the ground floor of 18.

3 RELEVANT HISTORY

None

4 THE APPLICATION

- 4.1 Planning permission is sought retrospectively for the replacement of existing timber, single glazed windows with upvc, double glazed windows to the front elevation of the top floor flat.
- 4.2 The applicant has submitted a petition of 40 signatures in support of his planning application. In addition, the applicant prepared a supporting document that was circulated by the applicant to members at committee. The applicant

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has drawn attention to a number of windows in the vicinity, one of which includes 40 Dyke Road. The matter has been passed to the Planning Investigations and Enforcement team.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Four (4)** letters of representation have been received from the occupiers of **12 Clifton Street, 25 Clifton Street, 29 Clifton Street** and **33 Clifton Street** objecting to the application for the following reasons:

- The design, materials and appearance of the proposed windows and their effect on the Conservation Area.

5.3 **Twelve (12)** letters of representation have been received from the occupiers of **5 Clifton Street, 9 Clifton Street, 14 Clifton Street, Ground Floor Flat, 18 Clifton Street, Top Floor Flat, 19 Clifton Street, 20 Clifton Street, 39 Clifton Street, 41 Clifton Street, 49 Clifton Street,** and **1A Powis Grove** supporting the application for the following reasons:

- The design, materials and appearance of the proposed windows and their improvement to the thermal properties of the flat.

5.4 **Halls Estate Agents, 27 New Road** have written in support of the application.

Internal

5.5 None received

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the appearance of the windows on the host building, street scene and the wider West Hill Conservation Area.

Design and Visual Impact

- 8.2 The building as existing forms part of an historic terrace and contributes positively to the Conservation Area. It has in the whole retained its original form and detailing although it is noted that upvc sash windows are present at ground floor level. There is no planning history for these window alterations. There are also other properties in the vicinity where UPVC replacements have been installed, namely Nos. 7, 13, 14, 15, 19, 41 & 47, (there is no planning history for these unauthorised and harmful alterations). Furthermore these are exceptions and a predominance of timber windows on the street remains and the use of such windows forms a key historical feature and characteristic of the area as a whole.
- 8.3 The application site is at second floor level and visible from the street. Policy HE6 of the Brighton & Hove Local Plan is clear in its expectation that original features such as timber windows that contribute positively to the area’s character and appearance should be protected. SPD09 provides additional detail, stating that *‘Original or historic windows should be retained unless beyond economic repair. New and replacement windows must closely match the originals in their style,*

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method of opening, proportions and external details. On street elevations the original material must also be matched'. With regard UPVC replacements, it states that within conservation areas 'they [aluminium or UPVC replacement windows] are unlikely to be permitted on an elevation of a historic building visible from the street or public open space'. SPD12 also states in its section on development within Conservation Areas and Buildings of Local Interest that "Plastic or aluminium windows will not be acceptable on elevations visible from the street where the original windows were designed to be timber."

- 8.4 The introduction of upvc frames would clearly have a negative impact upon the character of the host building, street scene and wider West Hill Conservation Area contrary to policy HE6 and SPD's 09 & 12.

9 CONCLUSION

- 9.1 For the reasons detailed above, the proposed replacement windows represent a harmful alteration to the historic character and appearance of the building, terrace and wider Conservation Area and the loss of an original design feature. As such, the proposal fails to accord with policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD09 and SPD12.

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The UPVC windows, by virtue of their form and material finish incorporating the loss of original timber sash windows, represent a harmful alteration to the character and appearance of the building, terrace and wider Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and the guidance in SPD09 & SPD12.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Site location plan			14/10/13
Proposed elevation	011013/03		14/10/13
Proposed window detail	011013/04		14/10/13

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Existing window detail	011013/05		29/11/13
Existing section	011013/06		29/11/13