



Appeal Decision

Site visit made on 13 January 2009

by **S J Emerson BSc DipTP MRTPI**

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

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**Decision date:
21 January 2009**

Appeal Ref: APP/Q1445/A/08/2089238 24 Beaconsfield Road, Brighton.

- 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 B Legg against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02433, dated 9 June 2008, was refused by notice dated 12 September 2008.
- The development proposed is to remove existing Critall windows in poor condition and fit new UPVC windows to same pattern.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect on the street scene.

Reasons

3. No 24 is in the middle of a 3 storey residential Victorian terrace fronting the A23. Each unit in the terrace has a 3 storey bay except No 24, where the bay was removed some years ago. Metal framed windows with top opening fanlights were inserted in new openings. No 24 now looks at odds with the rest of the terrace not only because of the absence of the bay, but also because the overall proportions of the window openings and their internal division do not relate to the proportions of most of the windows in the terrace. The windows of No 24 are not as deep as the windows in the bays or the windows/bricked up reveals above the doorways of other units. Many of the original sash windows in the terrace have been replaced by UPVC double glazed windows, but many of these new windows (which vary in their detailed design) have retained a horizontal division across the middle of each window which reflects one of the strongest visual elements of the original sash windows.
4. Given the incongruous appearance of the existing windows, there is no objection to their removal. The Council's officer's report makes clear that there is no objection to the use of UPVC material for replacement windows, given that the property is not in a conservation area. I agree that UPVC frames are acceptable here given that this material is now commonplace on many of the units of this terrace and the houses opposite. The proposed UPVC windows would fit the existing openings and the pattern of the panes would match those of the existing metal frames. The development would thus perpetuate the existing incongruous appearance of this unit within the terrace. There would be no additional visual harm. The thicker UPVC frames compared with the thin

metal frames would tend to accentuate the differences in the pattern of window panes compared with other windows nearby, but the use of a material common to many windows in the terrace would tend to offset this effect.

5. Planning Policy Statement 1: *Delivering Sustainable Development* states that design which is inappropriate in its context or which fails to take opportunities available for improving the character and quality of an area should not be accepted. I have therefore considered whether the proposal represents a realistic opportunity to improve the appearance of the building. The officer's report is unclear as to what is expected of the appellant to achieve an improvement. The fundamental visual problem is caused by the removal in the past of the traditional bay frontage, but it would be unreasonable to expect a proposal simply for replacement windows to encompass the rebuilding of a 3 storey bay. Some visual improvement would arise if the proportions of the existing openings better related to the originals in the rest of the terrace, but even this would require substantial external and internal building work and disruption to occupiers. I note the appeal decision highlighted by the Council which dismissed an appeal for replacement front windows at 12 Upper Lewes Road (APP/Q1445/082072187). On that building, which I saw during my site visit, the replacement windows would have perpetuated an untypical size of window within the original bay and I expect that less work would be involved in recreating the original window proportions there than is the case here.
6. I therefore consider that the opportunity for improvement that reasonably arises from the appeal proposal is only that which could be achieved from a better design of the window pattern, rather than any change to the overall size of the windows. Windows which are divided into vertical panes of equal width and horizontally across the middle would reflect something of the dominant style of windows in the terrace and would avoid the use of fanlights which are particularly incongruous. Some other patterns may also be appropriate. Such an alternative would achieve a modest, but material improvement in the appearance of the building. The present proposal conflicts with policy QD14 of the Brighton and Hove Local Plan (2005), which requires alterations to existing buildings to be well designed and detailed in relation to the property, adjoining properties and the surrounding area.
7. The opportunity for some visual improvement would be lost if I were to allow the appeal. But against this lost opportunity, I must weigh the benefit to be derived now from the existing proposal. The proposed double glazing would be more energy efficient than the existing single glazing. It would create more comfortable living conditions for occupiers, including a reduction in the noise of passing traffic and save them money on heating. I am conscious that dismissal of the appeal might prompt the appellant to give up on the proposal and that these benefits would then be lost. I consider that the matters are finely balanced, but conclude that the benefits do not outweigh the harm that would arise from the lost opportunity that could reasonably and readily be achieved by an alternative design for the replacement windows. The appeal proposal does not secure a reasonably achievable improvement in the visual coherence of the terrace and of the street scene.

Simon Emerson

INSPECTOR
