



## Appeal Decision

Site visit made on 30 September 2014

**by Megan Thomas BA(Hons) in Law, Barrister**

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

**Decision date: 13 October 2014**

---

### **Appeal Ref: APP/Q1445/A/14/2220600**

### **Flat 3, 61 Wilbury Crescent, Hove, Sussex BN3 6FJ**

- 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 Miss Gillian Elstub against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/00003, dated 30 December 2013, was refused by notice dated 25 March 2014.
  - The development proposed is the replacement of existing timber windows to uPVC windows to front and rear elevations.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the replacement of existing timber windows to uPVC windows to front and rear elevations at Flat 3, 61 Wilbury Crescent, Hove, Sussex BN3 6FJ in accordance with the terms of the application, Ref BH2014/00003, dated 30 December 2013, 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 following approved plans: Location Map 1:1250, Quotation from Ace Glass Southern Ltd dated 9 December 2013.

### **Procedural Matter**

2. In the box heading and in the formal decision above I have used the description of development substituted by the Council in the Notice of Decision, namely "replacement of existing timber windows to UPVC windows to front and rear elevations." This is a more accurate and complete description of the development sought than appeared on the application form which was "replacement of existing rotten sash windows within keeping of next door". No-one is prejudiced by this alteration.

### **Main Issue**

3. The main issue is the effect of the replacement front elevation window on the character and appearance of the building and area.
-

## Reasons

4. The appeal site is the top floor flat of a three storey property located on the southern side of Wilbury Crescent, a residential road in Hove. No.61 is on the north-eastern end of a short terrace of 4 properties. Its immediate neighbour is no.59 and from the front the two properties have a similar pattern of fenestration. There is a public right of way to the side of no.61, Burton Walk, which leads to a housing unit and a pedestrian bridge over railway lines.
5. From the public realm, it is difficult to see the rear window of flat 3 and the Council have not raised any objection to the replacement of that window with one using uPVC material and as proposed. I also consider that the window proposed would be unobjectionable.
6. The front elevation window to flat 3 is a dormer bedroom window and is a timber-framed 4 panel window with 4 vertical sash openings. The other front elevation windows of no.61 are also timber-framed. The ground floor window is large and does not align directly underneath the two upper floor windows. It appears to have been a shop front in the past.
7. The proposed front window would be uPVC-framed with top hung opening lower sections to the two outer frames. The windows on the front elevation of no.59 have been replaced by uPVC windows.
8. Policy QD14 of the Brighton & Hove Local Plan 2005 indicates that, amongst other things, alterations to existing buildings will only be granted if the proposed development uses materials sympathetic to the parent building. Supplementary Planning Document SPD 12 *Design Guide for Extensions & Alterations* (June 2013) sets out a number of design principles including ensuring the materials and detailing of replacement windows on street elevations are consistent with the original or predominant windows to the host building/terrace. I note that this recent SPD has been out to public consultation and I have given it substantial weight.
9. I walked and travelled widely in the area and saw that a high proportion of properties have installed uPVC fenestration. Nos 61 and 59 tend to be viewed together as they have similar fenestration and are prominent as a pair particularly when emerging from Burton Villas, the road opposite the appeal site. I acknowledge that the Council aims to prevent loss of character and appearance of streetscenes and has policies which seek to protect those attributes and to reinforce uniformity. Nevertheless, in this instance, there are a variety of house types in Wilbury Crescent and changes have already taken place within many other buildings in the Crescent and nearby roads to the extent that uPVC windows have become commonplace and part of the character of the surrounding area. To my mind, there would be no unacceptable harm to the appearance of the area or the building if the front window of flat 3 was replaced as sought as nos 61 and 59 stand out as a pair and the predominant windows are uPVC not timber-framed. In this instance, the appearance of the streetscene would best be served by taking the lead from the windows at no.59, notwithstanding that the proposed uPVC window would have thicker frames and different methods of opening than the existing window. I acknowledge that the first and second floor windows of no.61 are physically close. However, flat 3's window is a dormer which steps back from the front facade and from the first

floor window, which itself is a box window stepping forward from the front facade. It has sufficient individuality to warrant a different treatment to the window below. Overall I consider that the proposed window would be sympathetic to the parent building.

10. I have given weight to the variety and mix of property types in the area, to the changes in fenestration that have taken place and to the fact that no.61 is not a listed building and the area has not been designated as a conservation area.

11. For the reasons given above I conclude that the proposed development would not unacceptably harm the character or appearance of the building or area. It would not be contrary to policy QD14 of the LP or to guidance in SPD 12.

### **Conditions**

12. In the interests of good planning and for the avoidance of doubt, I have attached a condition tying the development to the windows shown in the quotation dated 9 December 2013 from Ace Glass Southern Ltd and to the Location Map 1:1250.

### **Conclusion**

13. Having taken into account all representations made, I allow the appeal.

*Megan Thomas*

INSPECTOR