



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: 27 October 2014

Appeal Ref: APP/Q1445/A/14/2222204

Top Floor Flat, 18 Clifton Street, Brighton BN1 3PH

- 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 Randolph Morse against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03492, dated 11 October 2013, was refused by notice dated 30 January 2014.
 - The development proposed is replacement of windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The development has already taken place. The main issue is the effect of the proposal on the character and appearance of the building and the wider West Hill Conservation Area.

Reasons

3. The appeal site is situated within the West Hill Conservation Area and in coming to my decision I have borne in mind the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This particular Conservation Area is situated on an east-facing slope of the Downs in a mainly residential area between Brighton Station and Seven Dials. It consists of mainly late 19th century housing. 18 Clifton Street is not a listed building.
 4. Clifton Street houses on the west side are generally three storeys high with small front gardens elevated above street level and rendered and painted a pale colour. No.18 is split into flats. The two windows involved in the appeal are in the front elevation of the top floor flat and are visible in the streetscene.
 5. The proposal is to replace timber single-glazed windows with white uPVC double-glazed windows. The Council's main point of contention is the use of uPVC rather than timber. One of the main character-forming qualities of Clifton Street is the general uniformity of the terraced properties which in turn contribute to the significance of the Conservation Area. Several windows and doors along the Street have been replaced with or contain uPVC versions.
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There are some or all in the front elevations of buildings at nos 7, 13, 14, 15, 19, 41 & 47. There are also some variations in window style and their methods of opening along the Street. However, Clifton Street consists of at least 50 terraced buildings (some split into flats) and the overwhelming majority of windows remain made of timber. The use of timber reinforces the uniformity and attractiveness of the Conservation Area. UPVC has different light-reflecting qualities and has a clear and distinguishably different appearance than timber-framed windows and as a result diminishes the historic and traditional significance of this Conservation Area.

6. The ground floor bay window and door of no.18 are made of uPVC as are window frames in no.19, the adjoining property to the north. However, front windows at no. 17 and the first floor window of no.18 remain constructed using timber and it is important in my view that the character and appearance of the Conservation Area is not further harmed by the use of more uPVC. Whilst the proposal involves windows which are located at a height well elevated from street level, the plastic material and non-traditional appearance are noticeable and appear out of keeping with the protected area.
7. Policy HE6 of the Brighton & Hove Local Plan 2005 'LP' indicates that original features such as timber windows that contribute positively to the areas character and appearance should be protected. Supplementary Planning Document 09 *Architectural Features* (2009) relates to heritage development and indicates that original and historic windows should be retained unless beyond economic repair, and new and replacement windows must closely match the original in their style, method of opening, proportions and external details. On street elevations the original material must also be matched. It also states that uPVC replacement windows are unlikely to be permitted on an elevation of a historic building visible from the street or public open space. In a similar vein, Supplementary Planning Document 12 *Design Guide for Extensions and Alterations* (2013) states that in Conservation Areas "Plastic or aluminium windows will not be acceptable on elevations visible from the street where the original windows were designed to be timber."
8. Having undertaken a thorough site visit in the vicinity of the site, I find that timber windows do contribute positively to the character and appearance of the building and the wider area and those aspects of the Conservation Area should be protected in line with policy HE6. The SPDs have been subject to a period of formal consultation with the public and approval under the Local Development Framework and as such I attach substantial weight to the guidance. Advice in those SPDs is consistent in respect of rejecting plastic windows where they would be visible from the street in a Conservation Area.
9. I have borne in mind that the timber window frames which were removed were rotting and that the uPVC replacements bring double-glazed, thermally efficient benefits in comparison to the previous windows. The appellant also draws attention to the low maintenance required with uPVC and, linked to that, the reduction in health and safety risks involved in redecorating timber-framed windows at such height. I am also mindful of the costs likely to be incurred by the appellant. However, those factors are clearly outweighed by harm in this case. I have no reason to doubt the appellant's evidence that he made an innocent mistake due to ignorance in installing the uPVC windows. However, I

also bear in mind that guidance on the replacement of windows in conservation areas in the Council's Supplementary Planning Documents is widely available.

10.I conclude that the development would not preserve or enhance the character or appearance of no.18 Clifton Street or the West Hill Conservation Area and would be contrary to policies QD14 and HE6 of the LP and to guidance in SPD 09 and SPD12.

11.Having taken into account all representations made, I dismiss the appeal.

Megan Thomas

INSPECTOR