

ITEM E

88 Waldegrave Road, Brighton

BH2014/03013

Householder planning consent

19 NOVEMBER 2014

<u>No:</u>	BH2014/03013	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	88 Waldegrave Road Brighton		
<u>Proposal:</u>	Replacement of existing timber sash windows with UPVC sash windows to front elevation.		
<u>Officer:</u>	Robert Hermitage Tel 290480	<u>Valid Date:</u>	08 September 2014
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	03 November 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Martin Szczerbicki Associates, 128 Hollingbury Road, Brighton BN1 7JD		
<u>Applicant:</u>	Mr Tim Packwood, 88 Waldegrave Road, Brighton BN1 6GG		

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 two-storey dwelling that lies on the eastern side of Waldegrave Road and within the Preston Park Conservation Area. Waldegrave Road is also within the Article 4 area for Preston Park, which restricts development to the front of properties. Much of Waldegrave Road has retained the original double-hung timber sash sliding windows, with few exceptions which have replaced them with either aluminium or UPVC window without permission.

3 RELEVANT HISTORY

- BH2012/02693** – Erection of a single storey rear extension and loft conversion incorporating front and rear rooflights – Approved 25/10/2012
BH2012/02339 – Non material amendment to BH2012/00156 to raise the flat roof by 200mm to the rear extension – Withdrawn 10/09/2012
BH2012/00156 – Erection of a single storey rear extension and loft conversion incorporating front and rear rooflights – Approved 07/06/2012

4 THE APPLICATION

- 4.1 Planning permission is sought for the replacement of existing timber sash windows with UPVC sash windows to the front elevation.

5 PUBLICITY & CONSULTATIONS

- External**
Neighbours:

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- 5.1 **One (1)** letter of representation has been received from the occupiers of **90 Waldegrave Road** objecting to the application on the following grounds:
- Timber sliding sash windows should be a standard on all front elevations in the Conservation Area
- 5.2 **Nine (9)** standard letters of representation have been received from **7 Lucerne Road (x2), 86, 92, 94, 95, 99, 103 and 107 Waldegrave Road** supporting the application on the following grounds:
- The proposed UPVC windows would be in keeping with the character of the area
 - The detailing of the UPVC would be indistinguishable
 - The proposal would help conserve energy
 - Modern UPVC demonstrate a sustainable alternative to timber
 - The appearance of the proposed would not deteriorate over time
 - The modern windows would create a more comfortable living experience for the occupants
- 5.3 **The Preston and Patcham Society** sent a letter of representation objecting to the application on the following grounds:
- UPVC windows would have an adverse effect on the appearance and character of the Conservation Area, despite the proposed window's attention to detail
 - The society does not condone plastic fenestration visible from a public highway
 - The loss of timber windows and original features should not be encouraged,
 - Alternative material should be explored
 - Alternative methods of glazing should be explored

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 appearance of the proposed UPVC windows and its impact upon the host building and wider Conservation Area and whether the alterations would have a detrimental impact on neighbouring amenity.

8.2 Planning Policy:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

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- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.5 Policy HE6 of the Brighton and Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms
 - b) the use of building materials and finishes which are sympathetic to the area;
 - c) no harmful impact on the townscape and roofscape of the conservation area
 - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
 - e) where appropriate, the removal of unsightly and inappropriate features or details; and
 - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area
- 8.6 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.7 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Visual Impact:

- 8.8 The building forms part of an historic terrace and contributes positively to the character and appearance of the Preston Park Conservation Area. It is recognised that, although there is no planning history, UPVC windows are present within the terrace. However, these are exceptions and their presence highlights the harm caused by the introduction of such a material in this setting. A predominance of timber windows remains and this forms a key historical feature and characteristic of the area as a whole.

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- 8.9 Policy HE6 of the Brighton & Hove Local Plan states that timber windows that contribute positively to the area's character and appearance should be protected. SPD09 provides additional detail, stating:

“original or historic windows should be retained unless beyond economic repair”

- 8.10 No information has been submitted to suggest that the existing windows could not be repaired. SPD09 addresses replica historic windows within Conservation Areas, but is clear in stating that their acceptability is limited to rear elevations and new extensions. 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.”

- 8.11 The windows fail to preserve or enhance the character or appearance of the building or wider Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, Supplementary Planning Documents 9 Architectural Features, and SPD12 Design Guide for Extensions and Alterations. Whilst it is understood that few properties on Waldegrave Road have already replaced the existing timber windows with aluminium or UPVC windows without permission, the presence of inappropriate materials and alterations are not accepted as evidence of an established precedent.

Impact on Amenity:

- 8.12 The proposal is not considered to have any effect on neighbouring amenity, as no new window openings are to be created. The proposal can therefore be considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

9 CONCLUSION

- 9.1 The UPVC windows to the bay on the front elevation would represent a harmful alteration that fails to preserve the character or appearance of the building or wider Conservation Area. 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 No issues identified

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The replacement windows to the front elevation, by virtue of their material and detailing, represents a harmful alteration that fails to preserve the character or appearance of the building or wider

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Preston Park Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document 9 Architectural Features, and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

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 Plan	-	-	8 th September 2014
Front Elevation	14.01.05/4	-	8 th September 2014
Floor Plans	14.01.05/3	-	8 th September 2014
Proposed Window Sections	14.01.05/2	-	8 th September 2014
Proposed Window Details	14-80-866-W	-	29 th September 2014
Proposed Window Jointing	ROW/92	-	29 th September 2014