



# Appeal Decision

Site visit made on 25 August 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

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**Decision date:**  
**4 September 2009**

## Appeal Ref: APP/Q1445/A/09/2100462 19 Crescent Road, Brighton, BN2 3RP

- 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. and Mrs. Merlo against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/03636, dated 17 November 2008, was refused by notice dated 28 January 2009.
- The development proposed is *Replace 7 aluminium windows to front elevation with PVCU, wood laminate effect, sash windows and replace existing timber casement window to dormer with PVCU, wood laminate effect casement.*

### Decision

1. I allow the appeal and grant permission for the replacement at 19 Crescent Road of seven aluminium framed windows on the front elevation with PVCU, wood laminate effect, sash windows and the replacement of a timber dormer window with a PVCU, wood laminate effect casement, in accordance with the terms of the application dated 17 November 2008, ref. BH 2008/03636, and the details submitted therewith, 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 shall not be carried out otherwise than in strict accordance with the drawings and specifications submitted.

### Main issue

2. The main issue is the effect that the development would have on the appearance of the building and on the character and appearance of the Round Hill Conservation Area.

### Reasons

3. The appeal property is within a terrace of two storey houses on the east side of the street; it has a dormer addition on the front roof slope. It is proposed to replace the existing aluminium framed windows to the two storey front bay and the smaller first floor window with PVCU sliding sashes with wood effect laminate finish from the "Bygone" Collection by Masterframe Ltd. The dormer casement would be replaced by a wood laminate effect casement.
4. I saw that in the conservation area, characterised by terraces of Victorian dwellings, many of the original timber framed sash windows have been replaced by others that are not sympathetic to the originals in materials and/or

design, with PVCU being the most common replacement material. In the terrace of 30 properties on the east side of Crescent Road, well over half, including the appeal property, fall into this category.

5. I appreciate that most of the alterations were probably carried out before the making of an Article 4 Direction in 2001. I also recognise the importance of restoring, where possible, significant original features and therefore I understand the Council's preference for timber framed sash windows.
6. However, the appellant points out that the wood laminate effect finish to be used in this case much more closely resembles painted timber than the shiny PVCU that is often used in replica sashes. Reference is made to an appeal decision (APP/C0630/A/05/1188575) involving a terrace cottage in a conservation area, where the Inspector stated that the effect of the window, from the same Masterframe Bygone Collection, already installed, was so convincing that it was difficult to distinguish between it and a traditional sliding sash window, even at close quarters. The only detail that the Inspector found slightly contrived was the sash "horns" that appeared to be bolted on.
7. In the present case, the detail would very closely replicate traditional details, including butt joints between the lower rails and the side rails and continuous decorative horns rather than add-ons as seen elsewhere and referred to in the above appeal decision.
8. As for the dormer, the only one in the terrace and not an original feature, I consider that it would be appropriate for the finish to match that on the lower floors and for the window pattern to match the existing.
9. The proposed new windows would provide improved energy efficiency and comfort for the appellants. They would significantly enhance the present appearance of the building and the appearance of the conservation area. In contrast to the two appeal cases referred to by the Council (APP/Q1445/A/08/2072187) and (APP/Q1445/A/08/2089238), where the replacement windows would have perpetuated existing incongruous alterations to original terraces, the present proposal would involve removal of an existing incongruous feature and the installation of a very close replica of the original.
10. In my opinion the new windows, although not an exact replica, would accord with the objectives of policy QD14 (Extensions and alterations) and HE6 (Conservation Areas) in the Brighton and Hove Local Plan 2005 and in this particular case would be an appropriate replacement for the existing.
11. I do not consider that it is necessary to require further detailed drawings as suggested by the Council, but I do consider it necessary to require strict adherence to the submitted specifications.

*R.A. Hersey*

INSPECTOR