



Appeal Decision

Site visit made on 12 May 2010

by **Victor Crumley** DipTP DMS MRTPI

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

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Decision date:
28 May 2010

Appeal Ref: APP/Q1445/A/09/2119018 18A Totland Road, Brighton, East Sussex BN2 3EN

- 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 Mrs Anna Tully against the decision of Brighton and Hove City Council.
- The application Ref BH2009/00963, dated 23 April 2009, was refused by notice dated 14 July 2009.
- The development proposed is replacement of windows with uPVC double glazing.

Decision

1. I allow the appeal, and grant planning permission for replacement of windows with uPVC double glazing at 18A Totland Road, Brighton, East Sussex, in accordance with the terms of the application Ref BH2009/00963, dated 23 April 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, contained within the quotation from Shaws Installations, and dated 13 February 2009, for the avoidance of doubt and in the interests of proper planning.

Main issue

2. I consider the main issue in this appeal to be the effect of the proposal upon the character and appearance of the building and the street scene.

Reasons

3. The appeal property is the upper floor flat of a mid-terrace building, built as ground and first floor flats, in a street of attractive nineteenth century domestic properties. Although originally built to a standard appearance, the front elevations have changed with the use of painted render finishes in addition to the original brickwork, and there is considerable variety in the appearance of doors and windows. Apart from a rear lounge sliding sash window, the appeal flat is currently glazed with casement windows of considerable age, in a style which, in my view, is not sympathetic to the appearance of the building. The appellant wishes to replace them with sliding sash windows in uPVC, which the Council views as an acceptable material here, outside any conservation area. However, the ground floor flat has similar front windows to those above, and the Council argues that the use of windows in the appeal flat different in style

and material to those below would harm the appearance of the property and the street scene.

4. While I acknowledge that it would be best if all the front windows could be replaced at once in a coordinated scheme, I recognise that this poses practical difficulties where the upper and lower floors are in different ownerships. I noted a number of houses in the street where the upper and lower floor windows are different, and in this flatted street outside a conservation area, I do not find this to be unusual or unreasonable. In my view, it is important to take opportunities to improve the condition of the houses as they arise. The lower floor windows, like those above, are out of date and likely to be replaced in due course, and their continued existence should not in my view be allowed to prevent the improvement of the first floor flat with windows of an appropriate style.
5. I note that uPVC sash windows have been used elsewhere in the street, and I consider that the sliding sash windows now proposed would be an acceptable replacement that would fit well with the front elevation of the property. The Council has indicated that it has no objection to the proposals for the rear windows, and I agree. A planning condition, restricting permission to the approved plans for the avoidance of doubt and in the interests of proper planning, is required. I conclude that the proposal would not harm the character or appearance of the building or the street scene, and that it would comply with Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan.

Victor Crumley

INSPECTOR