



Appeal Decision

Site visit made on 6 December 2011

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 20 December 2011

Appeal Ref: APP/Q1445/A/11/2160060
62 Roundhill Crescent, Brighton, BN2 3FR

- 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 Ahmed Khalil against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00475, dated 21 March 2011, was refused by notice dated 13 June 2011.
 - The development proposed is a new window to first floor elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character or appearance of the Round Hill Conservation Area.

Reasons

3. The appeal property is typical of the buildings which contribute to the character of the Round Hill Conservation Area. These characteristics are described in the Character Statement produced for the Area. Part of a curving terrace, its front elevation includes a canted bay with timber sliding sash windows in what appears to be the original design. The window which is the subject of this appeal has already been installed and is the only other window in the front elevation.
 4. Constructed in uPVC, the appeal window is top hung with a single central transom. The material, dimensions and detailing of the frame quite obviously do not match the other windows in the elevation. The window sits within a recess in the elevation and whilst its top and sides align with the recess, the bottom does not. As a result, the depth of the window does not match the first floor bay window and the central transoms do not align with each other. This has an unbalancing effect on the elevation as a whole.
 5. The Council has adopted Supplementary Planning Document (SPD) called Architectural Features which deals with alterations to buildings in Conservation Areas. It states that new windows in recessed masonry should not disrupt the rhythm and proportions of the overall architectural design (policy on page 30)
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and that uPVC windows are unlikely to be permitted in elevations facing the street (page 32). The appeal window does not meet either of these requirements.

6. I therefore conclude that the material, design, detailing and size of the appeal window do not preserve the appearance of the Conservation Area. As such it is contrary to the requirements of the statutory test and the presumption in favour of the conservation of designated heritage assets set out in policy HE9 of Planning Policy Statement 5: Planning for the Historic Environment (PPS5). Nor does it comply with policy HE6 of the Brighton and Hove Local Plan which, amongst other things, requires proposals in Conservation Areas to have a high standard of design and detailing and use materials sympathetic to the area. Policy QD14 of the Local Plan is mentioned in the decision notice, but adds little to my consideration of the main issue.
7. The appellant contends that uPVC windows have been installed in the front elevations of other nearby properties and that they are now part of the established character of the area. Whilst I accept that there are other uPVC windows in the area, their effect is not sufficient to undermine its original character and an Article 4 Direction is in place to control further similar proposals.
8. The appellant argues that the principle of a new window in the recess would not be out of character with the area. However this appeal decision must be based on the particular characteristics of the window proposed and I have found them to be unacceptable.
9. I have taken into account the appellant's argument that the proposal would improve the living conditions of occupiers, but there is no evidence that living conditions were unacceptable before the window was installed or that they could not be improved by other, less damaging, means. In terms of the assessment required by policy HE9.4 of PPS5 therefore, whilst the harm caused to the Conservation Area would be less than substantial, I consider that the claimed benefit is not sufficient to outweigh it.
10. I have had regard to the representations of local residents in support and opposition to the proposal. However none of these points lead me to change my conclusion on the main issue.
11. For the reasons set out above the appeal should not succeed.

Simon Warder

INSPECTOR