



Appeal Decision

Site visit made on 1 May 2012

by Gareth Symons BSc(Hons) DipTP MRTPI

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

Decision date: 14 May 2012

Appeal Ref: APP/Q1445/C/11/2163901

Wyndham House, 1 Wyndham Street, Brighton, BN2 1AF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Jayashree Srinivasan against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2011/0411.
- The notice was issued on 13 September 2011.
- The breach of planning control as alleged in the notice is without planning permission the installation of plastic windows and plastic doors on the external elevations of the property, as well as a plastic side gate fronting onto Wyndham Street.
- The requirements of the notice are: 1. Remove all the plastic windows from the external elevations of the property; 2. Remove all the plastic doors from the external elevations of the property; 3. Remove the plastic gate fronting onto Wyndham Street at the side of the property; 4. Remove all resultant debris.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld as set out below in the Formal Decision.

Preliminary Matters

1. The appellant states that the Council had previously advised that planning permission was not needed to replace the windows. However, there is no hard evidence to support this assertion. Furthermore, the Council alleges that there has been a breach of planning control under S171A(1)(a) of the 1990 Act and there are no grounds of appeal before me on the basis that this is not the case. Although the appellant is concerned about the Council's reasons for issuing the notice, these are set out on the notice. The appellant has responded to these reasons and they will form the basis of the main issue in the ground (a) appeal.

Main Issue

2. The main issue is whether the appeal development has preserved or enhanced the character or appearance of the East Cliff Conservation Area, also taking account of the setting of several grade II listed buildings in the street.

Reasons

3. Wyndham Street has very attractive terraces of Regency and Victorian properties. Several are statutorily grade II listed for their special architectural or historic interest. Despite what the appellant asserts in her appeal statement

that over half of the houses have uPVC windows, this is not the case. At the site visit it was noted that in fact only a few houses have plastic window frames. There is no explanation about how the other uPVC windows and doors came to be in place. Also they are so few in number that they do not in my view set a precedent. The majority of the buildings have wooden window frames. Many of these are sliding sash windows. The period details and traditional materials are integral to the architectural character and interest of the buildings and important to the visual quality of the street as a whole.

4. The appeal property is a double fronted building dating from 1807. Prior to the unauthorised works most of the windows were wooden sash windows. The front door was also wooden. It is noted that two of the previous windows and the side gate were uPVC. I have no details of what these looked like, the circumstances by which they came to be present or how long they had been there. These features have now also gone and the enforcement notice attacks the new uPVC window frames and doors, and it requires their removal. Against this background the previous uPVC window frames and door have little bearing on the planning merits of the case.
5. The smooth characterless finish of modern uPVC fails to reflect the grain and texture of painted wood. uPVC is a material that is also alien to the external façade of a property dating from the early part of the nineteenth century. Furthermore, the new windows in this case fail to replicate the discernibly different planes of traditional sash windows whereby the upper part usually slides down over the lower half. The replacement window frames only superficially replicate the detail and design of traditional window carpentry. In my opinion the replacement windows and new doors fail to preserve the character and appearance of the East Cliff Conservation Area and they impact adversely on the setting of the nearby listed buildings.
6. The old windows may have been in poor condition and not very energy efficient. However, there is no evidence to show that new timber framed windows and doors could not have improved energy performance. The improved energy rating also does not outweigh the harm caused to the character of the area. Although the new windows give the house a uniform appearance, this effect could have been achieved by using timber windows of similar design.
7. The appeal development does not accord with the design and conservation aims of policies QD14, HE3 and HE6 from the Brighton and Hove Local Plan. These policies are consistent with the relevant aims of the National Planning Policy Framework and so I have given them full weight in reaching my decision.
8. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

9. The appeal is dismissed and the enforcement notice is upheld.

Gareth Symons

INSPECTOR