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# Appeal Decision

Site visit made on 1 October 2012

by **David Harmston FRICS DipTP MRTPI**

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

Decision date: 15 October 2012

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**Appeal Ref: APP/Q1445/A/12/2178757**

**23 Preston Park Avenue, Brighton BN1 6HL**

- 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 Philip Keating and Mrs Deborah Quinsee against the decision of Brighton and Hove City Council.
  - The application (Ref:- BH2012/00469), dated 2 March 2012, was refused by notice dated 27 April 2012.
  - The development proposed is the replacement of the existing timber windows and door with double glazed uPVC windows and door to the front elevation.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The National Planning Policy Framework was published in March 2012. The Council's decision to refuse the application the subject of this appeal was made just after that date. In my opinion none of the policies within the Brighton and Hove Local Plan (2005) relevant to this development are inconsistent with the Framework and, in accordance with paragraph 214, I have afforded them full weight in considering this appeal.
3. The site lies within the Preston Park Conservation Area. It is therefore necessary to determine whether the development would serve to preserve or enhance the character or appearance of that Area. In considering this matter I have taken into account the Council's *Preston Park Conservation Area Character Statement* as well as its Supplementary Planning Document (SPD) - *Architectural Features*, published in December 2009.

## Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area having regard to its Conservation Area location.

## Reasons

5. The appeal property is a detached dwelling converted into eight flats. It lies on the east side of Preston Park Avenue, opposite Preston Park. The proposal is to replace five windows in the front elevation of the property at ground and first floor levels with a further new window and a door to be installed in the small

- extension present on the northern side of the building. The development would affect four separate flats. The second floor of the building already has three uPVC windows in place and there are others present in its south and rear elevations. The property lies within a prominent position in the streetscene with two other large, detached, period dwellings to its north. To its immediate south is a modern development of three and four storey flats (Bellevue Court).
6. The replacement windows that have been installed in the upper storey of the building are much smaller than those proposed and have little negative impact on its overall attractive appearance. Similarly those to its side and rear are of limited significance in terms of their effects on the character and appearance of the building in its relationship to the area and the streetscene. Except for the side extension, the windows to which the proposed development relates are large and prominent and their presence and form have a strong influence on the distinctiveness and architectural merits of the property.
  7. Section F of the SPD states that within Conservation Areas, original or historic windows should be retained unless they are beyond economic repair. Replacement windows should closely match the originals in their style, method of opening, proportions and external details. The use of uPVC replacements are unlikely to be permitted in Conservation Areas on an elevation of a historic building visible from a street or public open space.<sup>1</sup> Policy HE6 of the Local Plan relates to developments within Conservation Areas wherein, it is stated, building materials and finishes should be sympathetic to the area.
  8. In my view the use of uPVC frames in place of the original timber frames would be a retrograde step through the introduction of a discordant and visually intrusive feature into a building which retains enough of its historic integrity and character to render it worthy of preservation in its current condition. The development would therefore cause material harm to the building itself as well as the Conservation Area. Bearing in mind the historic nature of the building and its prominent location, I conclude that the development would fail to preserve or enhance the character and appearance of the Conservation Area and would conflict with the terms of the SPD as well as Policies QD14 and HE6 of the Local Plan.
  9. I have taken into account everything that has been put forward in support of this proposal including references to examples of other uPVC installations within the neighbourhood, the variety of dwelling types existing nearby (including modern flat developments), the retention of the architectural trims around the windows and the energy saving advantages that would accrue. Whilst the existing frames are said to be beyond economic repair, no cogent evidence to substantiate this claim has been submitted. Each case falls to be considered on its individual merits and the harm that the development would cause in the ways I have described outweighs all other considerations.

*David Harmston*

Inspector

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<sup>1</sup> Section F, Paragraph 2.21 – Supplementary Planning Document – *Architectural Features*