



Appeal Decision

Site visit made on 2 January 2013

by J Mansell Jagger MA(CANTAB) DIPTP MRTPI IHBC

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

Decision date: 10 January 2013

Appeal Ref: APP/Q1445/D/12/2186692

75 Upper Gloucester Road, Brighton BN1 3LQ

- 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 A Asawaroengchai against the decision of Brighton & Hove City Council.
 - The application ref. BH2012/01473 was refused by notice dated 9 August 2012.
 - The development proposed is replacement of timber windows and doors to front elevation with new UPVC double glazed units.
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Decision

1. The appeal is allowed and planning permission granted for replacement of timber windows and doors to front elevation with new UPVC double-glazed units, at 75 Upper Gloucester Road, Brighton BN1 3LQ in accordance with the terms of the application ref. BH2012/01473, dated 5 May 2012.

Main issues

2. The main issues are the affect of the proposal on the character and appearance of the building and the West Hill Conservation Area.

Reasons

3. The appeal relates to a late 19th century terraced house on the northern side of Upper Gloucester Road. The street is mainly residential but with a few shops and a public house. The property is unlisted but lies within the West Hill Conservation Area, which covers a large area of 19th century development on the edge of Brighton town centre, west of the railway station. The Conservation Area is subject to an Article 4 Direction controlling permitted development.
4. The house has a plain, rendered front and the character is largely derived from the fenestration: a three-part sash window at ground floor together with a segmental bay window of similar pattern at first floor. The appellant is in the process of restoring and improving the building and has replaced the timber windows with double-glazed UPVC units. The first floor window appears to have had its original timber sashes, but the ground floor window was more modern and without opening lights. A six-panelled UPVC door has replaced a modern timber door with integral fanlight.
5. Policy HE6 of the Brighton and Hove Local Plan sets out the requirement for proposals within a conservation area to preserve or enhance the character or appearance of the area. It requires a consistently high standard of design and

- detailing and resists the alteration of the style and detail of original timber doors and windows. Policy QD14 says that alterations should be well designed and detailed and use materials sympathetic to the parent building.
6. The Council's *Supplementary Planning Document on Architectural Features* (SPD09) advises that the policy for conservation areas is that original or historic features should be retained unless beyond economic repair. New and replacement windows should closely match the originals and, on street elevations, the original material must be matched.
 7. Unlike some of the surrounding streets that have terraced houses of identical design, Upper Gloucester Road is of mixed character. Two-thirds of the properties now have UPVC windows, mostly in a variety of modern patterns that do not resemble the originals in any way.
 8. According to the appellant, the first floor windows were in a state of disrepair and showed signs of advanced rotting. Double-glazing is highly desirable for insulation and energy saving and these replacement windows have been well designed and as nearly replicate the originals as is possible with double-glazed units. The differences are so small as to be unnoticeable to the passer-by except on close examination. The replacement door is of a traditional style that is more in keeping with the period of the house than its predecessor and again only close inspection reveals that it is not made of wood.
 9. The High Court judgement in the case of *Waveney DC v SoS* 5/11/02, which backed the Inspector's conclusions concerning unauthorised UPVC replacement windows in a conservation area, is relevant in this appeal. The Inspector stated: "*I appreciate that the Council aims to prevent loss of character in accordance with national advice in general and that English Heritage has encouraged the Council to take a firmer line on alterations in conservation areas. Nevertheless, in this instance, changes have already taken place within many other buildings in the general surrounding area to the extent that windows such as these have become commonplace and part of the character of the surrounding area.*"
 10. In the present case, the windows and door are well designed and retain the style and detail of the originals including, for example, the horns to the upper sashes in the bay window. The only real difference is in the material from which they are made. The Council has drawn my attention to two previous applications in Upper Gloucester Road, where conditions were attached to require timber replacements. However, although it might have been preferable to construct these items in timber in order to replicate faithfully the originals and comply fully with the Council's policies, the use of UPVC is now commonplace in the area.
 11. In all other respects, the replacement units comply with the Council's policies and the provisions of the development plan. Despite not being made of wood, I consider that the new windows and door have a neutral effect on the building and street scene and, in my view, they preserve the character and appearance of the conservation area. I therefore allow the appeal.

J Mansell Jagger

INSPECTOR