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# Appeal Decision

Site visit made on 8 January 2013

**by Ann Skippers BSc (Hons) MRTPI**

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

**Decision date: 28 January 2013**

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**Appeal Ref: APP/Q1445/A/12/2183408**

**Flat 3, 24 Wilbury Gardens, Hove BN3 6HY**

- 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. Jonathan Carter against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/01597, dated 21 May 2012, was refused by notice dated 3 August 2012.
  - The development proposed is 'replacement of 3 no. windows to front and rear elevations. Front and rear dormer windows to be replaced with white UPVC windows. Front window to be replaced with wooden casement windows'.
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## Decision

1. The appeal is dismissed insofar as it relates to front dormer window to be replaced with white UPVC window and the front window to be replaced with wooden casement window.
2. The appeal is allowed insofar as it relates to the rear dormer window and planning permission is granted for the rear dormer window to be replaced with white UPVC window at Flat 3, 24 Wilbury Gardens, Hove, BN3 6HY in accordance with the terms of the application, Ref BH2012/01597, dated 21 May 2012 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered and undated site plan, block plan and plan titled 'window designs for top flat'.

## Preliminary Matter

3. The Council's description of the proposal has been used as this more fully reflects the development.

## Main Issue

4. The main issue in this case is the effect on the character and appearance of the host building and the surrounding area.

## Reasons

5. Wilbury Gardens has a distinctive character and appearance which is largely derived from groups of buildings of similar types and materials. Most properties have many windows, including bays, which are an important and integral part of the street's character and appearance. So whilst the host building is not listed and does not fall within a Conservation Area, it makes an important contribution to the street and wider locality as this distinctive character continues into surrounding streets.
6. The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (the Framework) explains that sustainable development involves seeking positive improvements in the quality of the built environment, natural and historic environment, as well as in people's quality of life, including the replacement of poor design with better design. A core planning principle running through the Framework is to always seek to secure high quality design.
7. No 24 is a detached property which has been converted into four flats in the middle of a group of three similar building types. It is the only property in the group to have a front dormer although there are examples of similar dormers elsewhere on the street. The replacement dormer window would have an asymmetric opening pattern, thick frames and be made from UVPC, similar to the existing window type. Given that windows are a feature of the street, the type, detailing and materials of the proposed front dormer would detract from the character and appearance of the host building and the street scene. I accept that dormers elsewhere in Wilbury Gardens display a variety of designs and materials, but the ones which reflect the overall design, detailing and materials of the host properties are attractive, later additions contributing to the area's character rather than detracting from it.
8. The front window to be constructed from wood would also be of an inappropriate design and type despite revisions which would increase the height so that it would sit beneath the curved brick section and the use of wood. I appreciate that each property in this group of three has a different window type, nevertheless the proposed window would not reflect the curved brick course above the window head and its pattern and openings together with relatively thick frames would be at odds with the prevalent window type. In addition it would be at odds with the details of the proposed dormer window.
9. The appellant rightly makes the point that the front window in particular would improve on what is there at the moment and I recognise this is a revised proposal which seeks to overcome the Council's concerns. However, the proposal would still result in a window of inappropriate design and type. In addition there may well be a cost implication of doing something more appropriate as the appellant states. There are a variety of window types, designs and materials in the street, including of more modern designs and UPVC as the appellant's evidence illustrates, but those examples I observed at my visit reinforce my findings above.
10. It is important that architectural styles or particular tastes are not imposed. Yet it is proper to reinforce local distinctiveness and to respond to local character and identity. Both the front dormer and front window elements of the proposal

fail to do this and would harm the character and appearance of the host building and the surrounding area. Given the overall character and quality of the streetscape, I have reached the conclusion that these elements of the proposal would be of poor design and would fail to take this opportunity to improve the character and quality of the area in line with the Framework.

11. Accordingly these elements of the proposal would not accord with Policy QD14 of the Brighton & Hove Local Plan 2005 which generally reflects the aims of the Framework and, amongst other things, highlights the need for alterations to be well designed, sited and detailed in relation to the property and use materials sympathetic to the parent building.
12. The rear elevations of the properties along Wilbury Gardens are less decorative than the front elevations and make less of a contribution to the character and appearance of the area. The rear elevation of this property has been subject to various alterations and has a large UPVC conservatory. Given this and the variety of alterations to other buildings at the rear, the rear dormer window would be acceptable and would not materially harm the character and appearance of the host building or the surrounding area. The Council raises no objection in this respect.
13. Therefore for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part. In granting permission I shall impose the standard commencement condition and a condition requiring this element of the proposal to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

*Ann Skippers*

INSPECTOR

