



Appeal Decision

Site visit made on 3 April 2013

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 11 April 2013

Appeal Ref: APP/Q1445/D/13/2193626

8 Bavant Road, Brighton, East Sussex BN1 6RD

- 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 David Owers against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/02917, dated 9 September 2012, was refused by notice dated 6 December 2012.
 - The development proposed is replacement UPVC windows to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for replacement UPVC windows to front elevation at 8 Bavant Road, Brighton, East Sussex BN1 6RD in accordance with the terms of the application, Ref BH2012/02917, dated 9 September 2012.

Procedural Matters

2. I have taken the description from the decision notice and which has been repeated on the appeal form as this accurately, but more succinctly, describes the development compared with the description on the original application form.
3. The application was retrospective and the windows have already been installed.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Preston Park Conservation Area.

Reasons

5. The appeal property is a semi-detached dwelling built between the wars but otherwise set within a residential area of mainly mid to late 19th Century properties. The site lies within the Preston Park Conservation Area, which is subject to an Article 4 Direction controlling permitted development. The Council's Conservation Area Character Statement describes the area around the appeal site, including Bavant Road, as having more varied architecture with a less cohesive streetscape than the more regimented terraces elsewhere.
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6. Policy HE6 of the Brighton & Hove Local Plan 2005 (LP) deals with development within or affecting the setting of conservation areas. Part a. requires a consistently high standard of detailing and design and it includes a footnote that states, in respect of buildings that contribute to an area's character or appearance, the alteration of the style and detail of traditional timber casement windows will be resisted.
7. In this case the UPVC windows have replaced original timber casements within large ground and first floor window bays and a smaller bay over the property's front door. However, although the appeal property is reasonably attractive in its own right, it is of an age and design that reflects the mixed architecture of its immediate surroundings rather than the special character of the wider Conservation Area as a whole. Whilst No 8 is one of a symmetrical pair, in my view the replacement windows, including the use of dummy casements for non-opening lights, appropriately match the style of the dwelling and do not appear to be mismatched with the original windows that remain next door.
8. Although the casements may not be flush with the outer frames, neither this feature, nor the marginal increase to the size of the frames, appears at all obvious or incongruous when viewed from Bavant Road. As such, I do not share the Council's view that the works have resulted in any significant loss to the character of the building, which retains its pleasant setting within the street scene behind a boundary enclosure to the back edge of the pavement and mature planting within the front garden. Moreover, the use of UPVC merely reflects the materials that are commonplace for a significant number of dwellings in the immediate surroundings where replacement windows have been installed, particularly along Bavant Road and Knoyle Road.
9. The Council has referred to their Supplementary Planning Document 09 (SPD) entitled *Architectural Features* (adopted in 2009) within the reason for refusal. However the SPD clearly states that it is intended to provide detailed policy guidance on the repair, restoration and enhancement of historic buildings being statutorily listed buildings; historic buildings that make a positive contribution to the character or appearance of conservation areas; historic buildings that make a positive contribution to the special historic interest of registered parks and gardens; and locally listed buildings. There is no suggestion that the appeal property satisfies any of these criteria and therefore I see no particular relevance to the SPD in this case.
10. I appreciate the need to resist damaging alterations to original features on buildings within conservation areas and I recognise that such alterations can cumulatively erode an area's special character. However, for the reasons I have given I find that in this case the windows have not noticeably altered the established character and appearance of the conservation area, which is preserved. In this regard there is no conflict with the aims and objectives of either Policy HE6 or with LP Policy QD14 *Extensions and alterations*. As such there would be no harm to the area's significance as a heritage asset and no conflict with the National Planning Policy Framework 2012 as it relates to quality of design or the conservation and enhancement of the historic environment.
11. I have noted an appeal that was dismissed in June 2007 for retention of UPVC replacement windows for a property within another conservation area in the

city (Ref APP/Q1445/A/07/2036341). However, in that case the Inspector found the replacement windows to be unattractive, bulky and inappropriate to the style and period of the building and detrimental to its appearance. On the other hand the appellant has also drawn my attention to an appeal that was allowed in January 2013 for a similar proposal relating to a property within a further local conservation area (Ref APP/Q1445/D/12/2186692). In that case the Inspector found the alterations had a neutral effect on the building and street scene. In my view these two examples merely demonstrate that the circumstances to each and every case vary such that each application and appeal must properly be considered on its own merits. As such, neither has altered or influenced my overall conclusion that this appeal should succeed.

12. As the development is retrospective I have no reason to impose any conditions.

John D Allan

INSPECTOR

