



Appeal Decision

Site visit made on 30 July 2013

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 11 September 2013

Appeal Ref: APP/Q1445/A/13/2191818

62 Langdale Gardens, Hove, East Sussex, BN3 4HH

- 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 Trevor Herrington against the decision of Brighton and Hove City Council.
 - The application Ref BH2012/02558, dated 13 August 2012, was refused by notice dated 8 November 2012.
 - The development proposed is a joint application for partial replacement of existing timber sash windows and first floor window and door to balcony with white UPVC double glazed units. Application by Freeholder relating to both flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposed replacement windows and door on the character and appearance of the host property and the wider area.

Reasons

3. The appeal property constitutes a former semi-detached dwelling that has been sub-divided into two flats, with 1no. on each floor. It is within an attractive street, largely comprising detached and semi-detached buildings in residential occupation. The appeal property also forms part of a distinct group of buildings created by nos. 52 to 66 Langdale Gardens. Whilst the property is not listed or within a conservation area the fact that it retains traditional timber sash windows and is part of a group of similar properties contributes to its character and appearance, and that of the street scene. There may be examples of top hung double glazed casement windows along the street, however none such examples were apparent close to the appeal site at the time of my site visit.
 4. The proposal is to replace the existing windows within the bay at ground and first floor level, along with a further window and door to the balcony to the first floor. No elevational drawings have been submitted, although it appears from the submitted window schedule, contrary to the notes as set out therein, that the replacement windows would not match the design and proportions of the
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existing timber units: the framing of the top opening lights would be broader than the lower fixed frames.

5. I therefore find, in the absence of further details, that the windows as proposed would appear incongruous within the existing building, would unbalance the appearance of the pair of semi-detached buildings as a whole and consequently would detract from the character of the street scene. In addition to the above, I find that the differences between the proposed and the original window style would be exacerbated when the windows are open.
6. I note that the appellant refers to the window manufacturer's opinion that UPVC sliding sash windows would have a greater visual impact than those currently proposed. I also note the appellant's view that side hung casement windows would be less in keeping with the character of the original windows. However, I must deal with the appeal on the basis of the particular scheme before me.
7. I do not take issue with the use of UPVC as a material and in principle it may be appropriate in this location, but as I have found the detailed design and appearance as unacceptable, this does not outweigh the harm that would result from the proposal, as I have highlighted above.
8. The proposal is contrary to paragraph 60 of the National Planning Policy Framework (the 'Framework') which states that it is proper to seek to promote or reinforce local distinctiveness. I also find conflict with paragraph 64 of the Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The proposal also conflicts with part a) of Policy QD14 of the Brighton and Hove Local Plan 2005 (LP), which requires proposals for alterations to be well designed and detailed in relation to adjoining properties and the surrounding area.
9. I realise that the purpose of the application was to improve the thermal performance and security of the existing single glazed windows, however other methods potentially exist to improve these without the need to replace the windows.
10. I also note that dwellinghouses within the street may have permitted development rights intact that would allow the replacement of windows and doors. However, this does not outweigh the harm that I have found above.
11. The proposal would have an adverse impact on the character and appearance of the host property and the wider area, therefore for the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR