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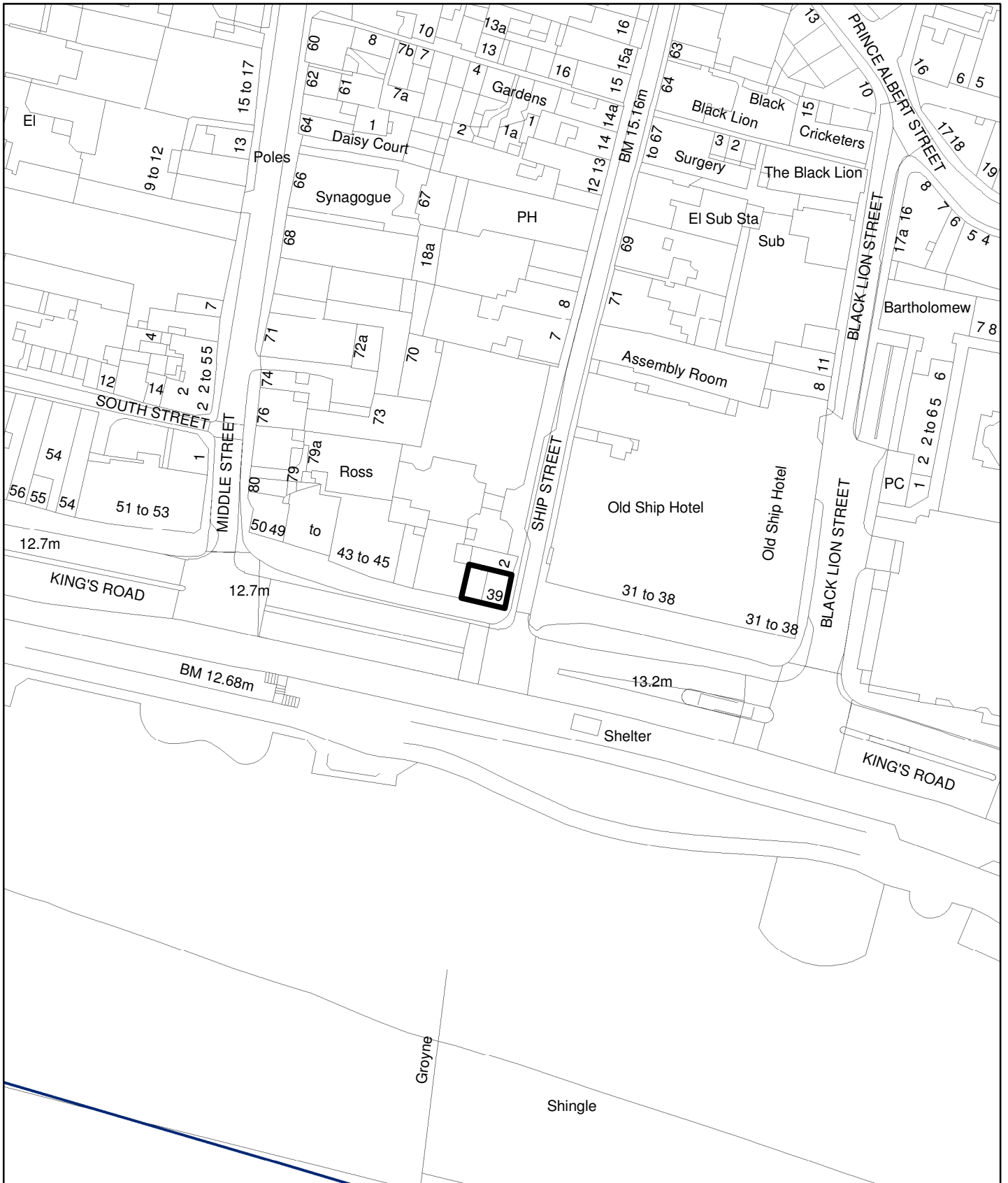
39-40 Kings Road, Brighton

BH2014/00294

Householder planning consent

23 APRIL 2014

BH2014/00294 39-40 Kings Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

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<u>No:</u>	BH2014/00294	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	39-40 Kings Road Brighton		
<u>Proposal:</u>	Replacement of existing timber sash windows with UPVC sash windows on first, second, third and fourth floors.		
<u>Officer:</u>	Emily Stanbridge Tel 292359	<u>Valid Date:</u>	03 February 2014
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	31 March 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	D H Moyle Properties, David Moyle, Suite 25, Curtis House, 34 Third Avenue, Hove BN3 2PD		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located in a very prominent location in the Old Town Conservation Area, on the corner of Kings Road and Ship Street and facing the seafront. They are mid Victorian buildings faced in painted stucco with string courses, full height canted bays above first floor level and timber sash windows. In this respect the properties are typical of the period in Brighton and typical of the historic central seafront, where the buildings are taller and grander than in the tightly knit, smaller scale side streets of the Old Town area. The buildings share a round arched entrance at ground floor level between modern shop fronts.
- 2.2 Number 39 is the most architecturally impressive of the two buildings, being adorned with elaborate stucco mouldings. Both elevations are framed by full height rusticated pilasters and crowned by a deeply projecting cornice with console brackets and dentil mouldings. Above that is a tall bottle balustrade and the dormers have elaborate curved pedimented gables. This block of buildings is set well forward of the Old Ship Hotel to the east and consequently number 39 has a substantial townscape presence on the corner.
- 2.3 These buildings form part of an attractive group of Victorian buildings on the seafront block between Ship Street and Middle Street that are largely unified by the presence of timber sash windows. The buildings are considered to make a positive contribution to the special appearance and character of the Old Town Conservation Area.

3 RELEVANT HISTORY

BH2001/00057/FP: Replacement of sashes and frames to south and east elevations with PVC frames and vertical sliding sashes. Refused 15th February 2001. (Appeal allowed).

4 THE APPLICATION

- 4.1 Planning permission is sought for the replacement of the existing timber sash windows with UPVC sash windows on the first, second, third and fourth floors to the southern and eastern elevations. A part owner who lives at 33 Brunswick Terrace has made a supporting statement.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Ten (10)** letters of representation have been received from the occupiers of **Flats 1, 2, 3, 5, 8, and 9 who live at 39 Kings Road; Flat 6, 29 Kings Road and 39 Lancaster Court** supporting the application for the following reasons:

- Compromised living conditions
- Incorporating the use of modern materials
- Reduction in noise pollution
- The site in relation to other examples of UPVC sashes in the area
- The windows are seen to enhance the appearance of the property

- 5.2 **One (1)** letter of representation has been received from Save Hove objecting to the application for the following reasons:

- The use of UPVC is inappropriate for sensitive sites such as the historic seafront.

Internal

- 5.3 **Heritage:** Objection to the application.

Policy HE6 of the Local Plan makes clear that in conservation areas “the alteration of the style and detail of . . . timber sliding sash windows . . . will be resisted” in the case of buildings that contribute to an area’s character or appearance. SPD09 states that in conservation areas “replacement windows must closely match the originals in their style, method of opening, proportions and external details” and that “on street elevations the original material must also be matched”. UPVC has a harder, sharper appearance than painted timber and standard double glazing has a different reflective appearance than traditional single glazing; their ‘look and feel’ is rather artificial

- 5.4 It is noted that the proposed windows would match the glazing pattern of the existing windows and broadly would match their proportions. It is not possible to properly assess whether the new UPVC windows would match the dimensions and details of the existing timber sections, as no comparable large scale or full size sections of the existing windows have been provided. It is noted, however, that the proposed UPVC windows would have an air gap of 20mm giving an overall glazing depth of 28mm. It is therefore very likely that the new windows would be set significantly further forward in the external

reveals (of the windows that are not in bays), thereby reducing the important depth and modelling of these windows. On the Ship Street elevation this would additionally mean the partial loss of the decorative capitals to the pilasters that frame the windows openings. On the bay windows it is not clear that the existing slight overhang of the stucco render above the window heads could or would be maintained.

- 5.5 As noted, it is not possible to make a direct comparison between existing and proposed due to lack of information. However, the proposed meeting rails would be 44mm deep, which is notably deeper than traditional timber sash meeting rails. It is not clear whether the horns would match the existing horn pattern(s) and whether they would appear as integral elements – horns to UPVC windows tend to have a ‘stuck on’ appearance. On the bays it would appear that the detailing to the splayed corners that conceal the sash boxes would be different to the existing detailing. In respect of the dormer windows the glazing bars would be false glazing bars applied to the glass and would have a shallow, squat appearance.
- 5.6 In conclusion it is considered that the proposed windows would be contrary to policy. The windows would not match the existing material and its subtle appearance, and would not match the existing joinery details and may result in the loss of original timber and stucco detailing and inter-relationship. They would harm the appearance of the historic buildings and this in turn would harm the special appearance and character of the Old Town Conservation Area. This harm would be less than substantial but, with regard to paragraph 134 of the NPPF, it would not be outweighed by any public benefits. The windows may be in poor condition and some may potentially be beyond viable repair but they can be properly replaced and replicated in timber.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.

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- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of Conservation Areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the visual impact of the proposed alterations to the host buildings, street scene and wider Old Town Conservation Area. In addition any impacts to the amenities of neighbouring properties shall also be assessed.

Planning History:

- 8.2 An application was submitted to the local planning authority in 2001 (reference number: BH2001/0057/FP) for the replacement of sashes and frames to the south and east elevations with PVC frames and vertical sliding sashes. This application was refused in February 2001.

The reason for refusal of this application stated:

- 8.3 *'The property the subject of the application lies within the Old Town Conservation Area. Policies ENV22 of the Brighton & Hove Local Plan and HE6 of the First Deposit Draft of the Brighton & Hove Local Plan relate to development within conservation areas and state that in considering proposals for development, the council will pay special attention to the desirability that they enhance or preserve the character or appearance of the area. Paragraphs iv) and b) of the respective policies further not that the council will normally only*

permit alterations which respect the character of the conservation area, noting where relevant the use of appropriate materials. A footnote to Policy HE6 states, in part, that in respect to buildings that contribute to the area's character or appearance, the alteration to the style and detail of traditional timber sliding sash windows will be resisted.

The proposed installation of the submitted sample of UPVC framed windows would, by reason of the absence of appropriate and required detailing, fail to comply with the above policies and thereby detract from the appearance of the property and character of the conservation area.'

- 8.4 Following the local authorities' refusal of the above application an appeal was submitted to the Planning Inspectorate (application reference APP/Q1455/A02/1092105). An online record showing the approval of this appeal can be found; however through looking over the history file of which the appeal relates to no paperwork for this appeal case can be found. Following this efforts were made to contact the Planning Inspectorate however an email response stated that the computer systems had been upgraded and that it would be impossible to retrieve a copy of the appeal decision. As such, evidence of the inspector's comments in relation to the 2001 application has not been viewed.

8.5 Planning Policy:

Notwithstanding the above, it is noted that the permission for UPVC widows granted on appeal in 2002 was not implemented. Since this approval both national and local policy has changed. Policy has changed nationally with the publication of the National Planning Policy Framework (NPPF), which replaced PPS5 which in turn had replaced PPG15 which was in place in 2002, during the time of the appeal. In addition local policy has changed with the adoption of the Brighton & Hove Local Plan 2005 and additionally Supplementary Planning Guidance 09 on Architectural Features. Whilst it is recognised that the previous 2001 application referred to Policy HE6 within the Brighton & Hove Local Plan, this document had not yet been adopted and therefore did not hold significant weight in the determination of the application as now.

Visual Impact:

- 8.6 The proposal is to replace all of the windows, which are visible to the southern and eastern elevations, with UPVC sash windows on the first, second third and fourth floors. As existing the windows are of timber construction and form part of the original appearance to the property.
- 8.7 Policy HE6 of the Local plan clearly states that within conservation areas 'the alteration of the style and detail of...timber sliding sash windows...will be resisted.' In the case of buildings that contribute to an areas character or appearance. In addition SPD09: Architectural Features states that in Conservation Areas 'replacement windows must closely match the originals in their style, method of opening, proportions and external details.' In addition the document goes on to state that 'on street elevations, the original materials must also be matched.'

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- 8.8 It is noted from the drawings submitted that the proposed windows would broadly match the proportions of the existing windows and would retain the existing glazing pattern. However the use of UPVC inevitable provides a thicker appearance to the window frames and has a harder appearance than the existing painted timber. In addition the incorporation of standard double glazing creates a different reflective appearance than the traditional single glazing to the building. As such the result of the proposed works would cause the windows to have an artificial appearance.
- 8.9 It is however not possible to fully ascertain whether the proposed UPVC windows would match the dimensions and detailing of the existing timber sections as no comparable large scale or full size sections of the existing windows have been submitted within the application. However from the proposed sectional drawings submitted, it is noted that the UPVC windows would have an air gap of approximately 20mm giving an overall glazing depth of 28mm. From this drawing, it is considered likely that the proposed UPVC windows would be set significantly further forward in the external reveals, resulting in the reduction of the important depth and modelling of these windows. This thicker and fuller frame is considered to disrupt the general appearance of these properties. This would additionally result in the partial loss of the decorative capitals to the pilasters that frame the windows openings, with particular reference to the eastern elevation on Ship Street. Furthermore, with regards to the bay windows, it is not clearly shown whether or not the existing slight overhang of the stucco render above the window heads could or would be maintained.
- 8.10 As previously noted, it is difficult to make a direct comparison between the proposed UPVC windows and the existing timber windows due to the lack of information submitted within the application. However the meeting rails to the proposed windows measure 44mm deep which is notably deeper than traditional timber sash meeting rails. In addition it is unclear as to whether the proposed horns would match the existing horn patterns, and it is unclear as to whether or not the proposed horns would appear as an integral element to the windows. Such horns on UPVC windows tend to have a 'stuck on' appearance and would result in the significant harm to the detailing of the windows to the properties. In relation to the bay windows to the buildings, it would appear that the detailing to the splayed corners that conceal the sash boxes would be different to the existing detailing. The dormer windows to the fourth floor of the property are to incorporate vertical glazing bars. The proposed glazing bars would be false glazing bars, applied to the glass and would not form an integral part of the window frame. The glazing bars appear shallow and squat in appearance.
- 8.11 The proposed windows would not match the existing joinery details and as such would be contrary to Policy HE6 which states: 'In conservation areas, the planning authority will give special regard to matters of detailed design to avoid the gradual erosion of character. The retention of architectural features, which contribute to the appearance of buildings in conservation areas, is vital.'

8.12 Whilst it is noted that examples of UPVC windows are visible within the street scene, such as the neighbouring property to the west (41 Kings Road) there is no detailed site history for the approval of such windows. An application was submitted for the neighbouring property in 2004 (application reference **BH2004/03457/FP**) for the reconstruction of front bays and the replacement of all bay windows with white double glazed UPVC. This application was refused on the grounds that *'...the proposed use of UPVC replacement windows on this prominent building within the Old Town Conservation Area would have an adverse impact on the character and appearance of the Old Town Conservation Area and represents a building material which is unsympathetic to the area and the original building.'* Following this no application can be found relating to the approval of UPVC windows to this building. The existing UPVC windows to this property do however show the impact of such a material to a sensitive and historic building which inevitable alters the profile, character and appearance of its architectural features. In addition, in relation to The Old Ship Hotel 31-38 King Street a retrospective application was submitted in 2009 (application reference **BH2009/02829**) and subsequently refused for the replacement of timber sash windows with UPVC double glazed sash windows. Within the reason for refusal it was stated that *'...the frames of the UPVC windows were bulky in comparison to the originals which is particularly noticeable with the window heads and the side windows of the bays where the area of glazing is noticeably less than in the timber framed windows. As such the windows are harmful to the character and appearance of the building and Conservation Area.'* It is therefore not considered that existing properties within the street scene set a significant precedence for future applications for the replacement of UPVC windows.

Other matters:

8.13 Residents of the property have commented that they wish to see improvements to the windows as they are leaking and don't help with noise attenuation. Members should be aware that replacement windows manufactured in timber can overcome all of these concerns without a harmful impact on the Conservation Area.

Amenity Impacts:

8.14 The proposed alterations would not have any further impact upon the amenity of nearby and adjoining residential occupiers. The proposed windows are a direct replacement for existing openings and would retain the same views as present. Therefore there would be no further loss of privacy or further overlooking.

9 CONCLUSION

9.1 In conclusion it is considered that the proposed windows would be contrary to SPD09 Architectural features and policy HE6 within the Brighton & Hove Local Plan. The proposed UPVC windows would not match the existing material and the subtle appearance timber provides. In addition the windows would not match the existing joinery details of the sash windows and may result in the further loss of architectural detailing through the loss of the original timber, stucco detailing and the inter-relationship. The use of UPVC is an unsympathetic material which would harm the appearance of this historic

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building and in turn would cause harm to the special character and appearance of the Old Town Conservation Area. It is not considered that the application is outweighed by any public benefit and whilst the windows may be in poor condition, this does not outweigh the detrimental impact the proposed UPVC units would have.

10 EQUALITIES

10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed UPVC replacement windows would cause significant harm to the character and appearance of the host properties, street scene and the wider Old Town Conservation Area. The use of UPVC is an unsympathetic material to such an historic building which would result in the frames having a significantly bulkier appearance that would not match the existing joinery details to the building. As such the proposed alterations are contrary to HE6 within the Brighton & Hove Local Plan and SPD09: Architectural Features.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan			30.01.2014
Existing and proposed plans	01		30.01.2014
Proposed sections	02		30.01.2014
Glazing bar sections	ROW/92		30.01.2014
Brochure specification			30.01.2014