
Appeal Decision

Site visit made on 2 March 2015

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 6 March 2015

Appeal Ref: APP/Q1445/D/14/2223488
69 Seafield Road, Hove, East Sussex BN3 2TN

- 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 Janet Bray against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01471, dated 7 August 2014, was refused by notice dated 1 July 2014.
 - The development proposed is replacement of existing single glazed wooden windows with upvc double glazed units to front elevation.
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Decision

1. I allow the appeal and grant planning permission for replacement of existing single glazed wooden windows with upvc double glazed units to front elevation at 69 Seafield Road, Hove, East Sussex BN3 2TN in accordance with the terms of the application, Ref BH2014/01471, dated 7 August 2014, and the plans submitted with it, 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 windows shall be of a double-hung vertical sliding sash configuration.

Reasons

2. The site is within the Old Hove Conservation Area, and the boundary runs along the centre of the road so that the terrace of properties opposite is in the Cliftonville Conservation Area. The main issue in this appeal is the effect of the proposed replacement windows on the character and appearance of the conservation areas. Policy QD14 of the Local Plan states requirements for alteration to existing buildings including that they are well designed and detailed in relation to the property, adjoining properties and the surrounding area, using materials sympathetic to the parent building. Policy HE6 concerns conservation areas and seeks a high standard of design and detailing reflecting the character or appearance of the area, the use of materials which are sympathetic to the area, and the retention of features which contribute to the character or appearance of the area.
3. Supplementary Planning Document 09 '*Architectural Features*' has been referred to but in the Introduction it appears that it relates to 'historic buildings' and the appeal property does not fall within any of the four types of building as set out. Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*' is less restricted in its application and in section 3.4 on replacement windows states that poor window design and placement can

disrupt the general appearance of buildings and the rhythm of the streetscene, particularly on large blocks of flats and more traditional building forms where the continuity of fenestration is a key design element, neither of which apply here. The guidance continues to state that plastic, aluminium and timber windows tend to have different frame dimensions and light-reflecting qualities therefore care should be had to the use of materials, particularly on street elevations.

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the conservation areas, great weight should be given to the asset's conservation.
5. The dwelling is within a terrace of similar, but not identical, modern properties, which were originally constructed with timber windows. They are not historic buildings and the use of timber sash windows is said by the Council to be an acknowledgment of the materials used in the terrace of dwellings on the other side of the road, which are historic buildings. To that extent it is correct that double-hung vertical sliding sash windows should remain on the appeal property. The terrace on the east side is striking for its length and uniformity of fenestration, at least below gutter level, and the Council refer to an Article 4 Direction being in place. The appeal terrace is subject to a restriction of permitted development rights from the time of its planning permission.
6. The appeal terrace displays some variation in the treatment of the upper floor oriel windows between triangular ones to the ends and flat fronted to the middle including the appeal property, and there is a top floor of mansard and near-vertical modern rooflights. There is also variation in wall finish of face brickwork and render. In all, the terrace exhibits a form that reflects the historic buildings opposite, but deviates in its detailing, so that it stands as an appropriate modern intervention in the Old Hove Conservation Area and within the setting of the Cliftonville area.
7. These timber oriel windows risk rotting through not being detailed within masonry reveals, as the bays opposite, but being fully exposed, and the replacement of the other windows would keep all those on the single dwelling matching. Provided the configuration of sash windows is retained, and this can be secured by condition, the replacement with upvc on this modern building, with its existing variety of planes and fenestration, would not erode the character and appearance of either designated heritage asset, but would bring about an improvement in the thermal efficiency of the building. On this last point, the Council have referred to a poor pay-back period for double glazing, which similar to the costs of the timber equivalent that they refer to, is of limited weight if the effect is acceptable and the appellant is willing to undertake the work. Where timber windows need replacing in any event, as appears to be the case here, the economics of then using double glazed units improves, as acknowledged in the Council's reference to the Building Research Establishment findings.
8. The use of upvc may have some limited effect on the terrace as an entity, as a single example of such windows, since the Council say that there is no record

of number 71 having permission, but the level of harm to the wider conservation area would be very low in the category of 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The improvement to the thermal insulation is sufficient in the particulars of this case to outweigh the very limited effect that would result, as even if the financial payback to the appellant through reduced energy costs is limited, the saving in energy use is of public benefit in reducing reliance on fossil fuels and the emission of greenhouses gases.

9. Both the Council and the appellant have referred to previous appeal decisions. In the Council's reference to Clifton Street, the difference between the buildings there compared with the appeal terrace is such as to not require that recent Decision (Ref APP/Q1445/A/14/222204, 27 October 2014) to be copied to the appellant for comment, but it has been taken into account.
10. The proposal would accord with the aims of Development Plan policies which seek to preserve the character and appearance of conservation areas, and with the requirement of the 1990 Act that special attention be paid to that matter. The wider conservation area, in each case, would be conserved as sought in section 12 of the Framework, and for the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

