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# Appeal Decision

Site visit made on 3 May 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

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

**Decision date: 2 June 2016**

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**Appeal Ref: APP/Q1445/W/16/3144121**

**Cowdray Lodge, 60-64 New Church Road, Hove BN3 4FL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Ali Kochnari, New Church Road Limited against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03000, dated 14 August 2015, was refused by notice dated 1 December 2015.
  - The development proposed is to replace existing timber framed windows with new uPVC.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.

## Main Issue

3. The main issue in this appeal is whether the proposed windows would preserve or enhance the character or appearance of the Sackville Gardens Conservation Area.

## Reasons

4. Cowdray Lodge is located on the junction of New Church Road and Walsingham Road, within the Sackville Gardens Conservation Area in Hove and comprises a Victorian building of 10 flats with the common entrance door to Walsingham Road. Walsingham Road and roads running parallel to it comprise mainly terraces of houses, with buildings on New Church Road being more varied in terms of both design and use. Those opposite Cowdray Lodge are outside the conservation area and include a number of larger blocks of flats or offices of various ages and styles, those on the same side of New Church Road as Cowdray Lodge and within the conservation area are predominantly large Victorian buildings now comprising flats or commercial uses.
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5. Windows in surrounding buildings are mainly timber windows of a variety of styles to reflect the styles of the individual buildings, although there are a small number of replacement uPVC windows in some buildings. The windows at Cowdray Lodge are timber sash windows in keeping with the age and style of the building, although I understand some have been replaced or repaired where the original windows have failed in the past. The building, including windows, contributes to the character and appearance of the conservation area that is a designated heritage asset. I note that the Conservation Officer considers the building itself to also be a heritage asset.
6. The proposal before me is for uPVC replacement windows, whose design aims to replicate that of the existing windows in the property whilst providing the benefits of modern double glazed units, specifically designed for use in listed buildings and conservation areas.
7. The timber sash windows are an intrinsic part of the building and complement the architectural integrity of it and the conservation area. The design of the replacement uPVC windows is similar to the existing timber windows, but the proposed material is more bulky than, and has a different appearance to, timber and along with other detailed design differences would be visible from the street. Consequently, replacement with uPVC would alter the character and appearance of this building and the conservation area, such that it would harm the significance of the heritage asset.
8. The National Planning Policy Framework (the Framework) advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case.
9. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The appellant refers to the poor condition, difficulty to use and cost of repair of the existing windows, the benefits from the proposed windows in making the flats warmer and less expensive to run and an environmental advantage. I note the concerns with regard to cost and feasibility of repair of the existing windows. Neither a detailed survey of the windows has been provided, nor detailed comparative quotes for the refurbishment of the windows or replacement, where necessary, with timber. Properly renovated and weighted timber windows should not be more difficult to use than the proposed uPVC. The reduction in costs to heat the flats and the environmental advantages of the proposed windows are not set out or quantified. For these reasons, the public benefits are not sufficient to outweigh the harm that I have found.
11. For the above reasons, I conclude that the proposed windows would fail to preserve or enhance the character or appearance of the Sackville Gardens Conservation Area. As such, the proposal would be contrary to Policy CP15 of the CP, Policies QD14 and HE6 of the LP and Supplementary Planning

Document 09 titled 'Architectural Features' that seek to preserve or enhance the character or appearance of the historic environment, including conservation area, such as using materials sympathetic to the parent building.

12. I note that the appellant suggests the additional costs of repair of the windows would mean less is spent on landscaping and other maintenance of the building and its grounds, potentially to the detriment of the character and appearance of the conservation area. However, I do not accept that this argument justifies the proposal.

13. On the basis of the above, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR

