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# Appeal Decision

Site visit made on 17 April 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> June 2018

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**Appeal Ref: APP/Q1445/W/17/3190512**

**Bathurst, 2 Clarence Square, Brighton BN1 2ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
  - The appeal is made by A Abrahams and Mr & Mrs Teheri-Kadkhoda against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/02290, dated 3 August 2017, was refused by notice dated 28 September 2017.
  - The development proposed is replacement of existing timber windows with new UPVC windows to match.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the development would preserve the character and appearance of the Regency Square Conservation Area, and the effect on its significance.

## Reasons

3. Bathurst is a terraced Regency townhouse sitting on a garden square and within the Regency Square Conservation Area, a designated heritage asset. This part of the conservation area is characterised by similar terraced townhouses arising from the planned development of the area and relying for their design effect on the regular repetition of elements such as the canted bays and on their consistent fenestration pattern. Timber sliding sash windows were thus an important element of the original detailing, and most windows within the square, including newer replacements, are in timber.
  4. The existing windows to Bathurst are timber and set in the canted bay, consisting of two over two panes in the central windows and one over one design to the flanking windows, all with small horns on the bottom rail of the upper sash. The glazing bars have slim mouldings internally and are puttied on the outside, while there is subtle detailing in the small mouldings at the top of the angles of the bays.
  5. The submitted evidence is not clear in respect of whether the opening mechanism of the replacement windows would be tilting or sliding sashes. Notwithstanding this, it is clear that they would be in UPVC, with square glazing bars and double glazing separated by metal spacers.
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6. They would therefore not be able to replicate the finer and more subtle detailing of the mouldings of the existing windows, while the proposed materials would be conspicuously shiny and modern. Overall they would not be able to reflect the appearance of the existing windows, and would thus form an anomalous element within the host building which would fail to retain the consistent appearance of the terrace. They would therefore fail to preserve or enhance the character and appearance of the conservation area and would harm its significance.
7. Paragraph 132 of the Framework is clear 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. The more important the asset, the greater the weight should be. I conclude that, as the proposed windows would be a localised discordant feature, for the purposes of this paragraph the harm would be less than substantial.
8. In these circumstances, Paragraph 134 of the Framework advises us, this less than substantial harm should be weighed against the public benefits of the proposal.
9. The appellant has suggested that the windows are rotten, but although they appear in need of overhauling, no convincing evidence has been put before me that their complete replacement is necessary. While energy savings can be achieved with double glazing, they may be equally possible to achieve with measures such as secondary glazing, window repairs and draft proofing; no evidence has been supplied to demonstrate that this would not be possible in this case. In any event, replacement for these reasons would give rise to mainly private benefits, which would not outweigh the harm to public interests arising from the harm to the significance of the designated heritage asset.
10. Other appeals have been put before me, but they relate to different conservation areas and differing circumstances, including the existing extent of uPVC windows within the relevant conservation areas, and are not therefore directly comparable to the current case where there is a high degree of consistency in the use of timber windows. In any case, I have considered the appeal proposal on its own merits.
11. The development would conflict with the provisions of policy HE6 of the Brighton and Hove Local Plan 2006 and policy CP15 of the Brighton and Hove City Plan Part One 2015 in respect of seeking to preserve and enhance the character and appearance of conservation areas. It would also conflict with design guidance within SPD 09, Architectural Features, 2009, and of SPD12 Design Guide for Extensions and Alterations, 2013 in relation to the retention and replacement of historic windows.

### **Conclusion**

12. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

*S J Buckingham*

INSPECTOR