



Appeal Decision

Site visit made on 14 August 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 August 2018

Appeal Ref: APP/Q1445/D/18/3205113

43 Surrey Street, Brighton BN1 3PB

- 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 Greg Ford against the decision of Brighton & Hove City Council.
 - The application Ref: BH2018/00131 dated 12 January 2018, was refused by notice dated 11 April 2018.
 - The development is described as retrospective replacement of front elevation windows in a conservation area.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The works had been undertaken as of the date of the application. Accordingly, I have therefore treated the application as one made under Section 73A of the Town and Country Planning Act for development as originally carried out, namely the installation of replacement UPVC windows to the front elevation.
3. I am advised by the Council that the property and wider area is covered by an Article 4 Direction which requires planning permission prior to altering windows.
4. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reason for refusal did not specifically refer to the National Planning Policy Framework 2012 extant at the time of the decision, the Council referred to it in the Officer's report. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

Main Issue

5. The main issue in this appeal is the effect of the replacement UPVC windows on the front elevation of the appeal property on the character and appearance of the existing property and on the designated heritage asset of the West Hill Conservation Area.

Reasons

6. The appeal property is a modest, mid-terrace, bow fronted property in Surrey Street, to the south west of the main railway station and within the West Hill Conservation Area. It would appear from evidence provided by both the Appellant and the Council that the previous windows were traditional sash windows to the front elevation.
7. The West Hill Conservation Area includes Brighton Station and the predominantly residential streets, to the west and south west of the station, interspersed with some commercial uses in the streets, such as Surrey Street, closer to the station. The character of the streets varies from the smaller dwellings in streets such as Surrey Street to larger properties further away from the station. The properties appear to date from around the mid nineteenth century onwards and most are rendered. Notwithstanding a range of subsequent alterations including a variety of replacement windows, the cohesiveness of the uniform design of most of the individual properties in Surrey Street remains part of its character and appearance and the contribution it makes to the significance of the designated heritage asset of the Conservation Area.
8. In respect of the appeal property, the existing window openings do not appear to have been altered. However, the frames to the UPVC windows are much thicker than the traditional wooden sashes and the thickness of the frames are compounded by their opening arrangements and the visible trickle vents. The UPVC windows are visually intrusive and detract from the traditional character and appearance of the Victorian property. Given the harm I have concluded to the character and appearance of the property and my finding that the individual properties within as well as Surrey Street as a whole, make a positive contribution to the significance of the Conservation Area, it is also my view that the replacement windows harm and do not preserve the character and appearance of the Conservation Area.
9. I therefore conclude that the replacement UPVC windows harm the character and appearance of the existing property and do not preserve the character and appearance of the West Hill Conservation Area. This harm conflicts with Policy HE6 of the Brighton & Hove Local Plan as well as the Framework 2018, and in particular Section 16 *Conserving and enhancing the historic environment*. The Framework and development plan policy seek to protect the significance of designated heritage assets including conservation areas.
10. I understand that the existing windows were rotten and required to be replaced, and that the replacement are more energy efficient, but there is no evidence before me to suggest that they could not have been replaced in a more sympathetic manner and more in keeping with the previous windows. The Appellant has drawn my attention to other replacement windows, in a variety of materials, in the local area and in particular in the same street. Each proposal and development must be judged on its individual merits and the existence of other non-traditional windows does not persuade me that more should be permitted, given the harm I have concluded. Furthermore, and although the detailed information has not been provided, I noted from my site visit that there also appear to be examples of properties where recent refurbishment has retained or reinstated more traditional and characteristic sash windows.

11. Paragraph 196 of the Framework sets out 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, including where appropriate securing its optimum viable use. No public benefits have been advanced, although the greater energy efficiency secured with the replacement windows may be considered as a modest economic and environmental benefit. Whilst the harm to the designated heritage asset of the Conservation Area would, in my view, be less than substantial, I do not consider that there are public benefits sufficient to outweigh that harm.
12. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR

