



Appeal Decision

Site visit made on 14 May 2010.

by **B C Scott BA(Hons) Urban & Regional Planning MRTPI**

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

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Decision date:
18 May 2010

Appeal Ref: APP/Q1445/D/10/2126103

56 North Road, Brighton, East Sussex, BN1 1YD.

- 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 Graham Scott against the decision of Brighton & Hove City Council.
- The application Ref: BH2009/02642, dated 2 November 2009, was refused by notice dated 12 January 2010.
- The development proposed is to replace the existing modern timber casement bay windows (rotten) with 'Byegone' sliding sash windows (by *Masterframe*) in white wood-foil laminate finish UPVC, to include continuous decorative horns and deep bottom rail and Georgian external bars.

Procedural Matters

1. The appeal site is within the West Hill Conservation Area (WHCA) for which I have a duty under section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to pay special attention to the desirability of preserving or enhancing its character or appearance.

Decision

2. I dismiss the appeal.

Main Issue

3. I consider the main issue in this case to be the effect of the proposed development on the character and appearance of the area, with particular reference to the WHCA.

Reasons

4. The appeal dwelling is prominently on the inside edge of the WHCA, abutting the rear edge of the street footway in an urban area and near a commercial thoroughfare. It is one of a pair of dwellings in a small scale period building attached to a corner building, beyond which there are terraces in North Gardens. It is opposite much larger scale period terraces. The appeal building looks to be a characteristic artisan cottage style terrace, typical of parts of the WHCA, in which windows are a key part of the facade. The proposed development would alter the appearance of the appeal dwelling and that of the street scene.
5. The thrust of several policies of the Brighton & Hove Local Plan 2005 reflects my statutory duty above (policies HE6 and QD2) and requires a high standard of design, in terms of such things as architectural detailing and materials

(policies QD1 and QD14). The Council's WHCA Character Statement gives emphasis to the historic urban pattern and grain of the area and notes that windows tend to be vertical sliding sashes. I am referred to the Council's Supplementary Planning Document 2009 *architectural features* in which the special qualities of such windows are fully documented.

6. From my examination of the area, I came to the conclusion that there is no question that windows are an important feature of the WHCA because of their dominant, classic proportions and the rhythm of glazing bars. I saw several examples of discordant modern replacement windows. The two windows (an upper and a lower one) of the appeal dwelling are each integral to the appearance of the building façade. These similarly bear no relation to the original ones (which remain in situ at no.57 - the attached dwelling of the pair) and are obviously harmful to the character and appearance of the WHCA.
7. Given its traditional design, I acknowledge that the proposed development would greatly improve the appearance of the appeal dwelling, but the question remains: would it protect the WHCA from harm? I am mindful that sometimes the enhancement of the appearance of the area may be odds with the preservation of the character.
8. I am referred to a decision by my colleague (APP/Q1445/A/09/2100462) concerning a similar product installed at no.19 Crescent Road, which I examined. I came to the same view as my colleague that the UPVC product 'would very closely replicate traditional details' and I have no reason to question the principle of its use in the subject appeal case. That said, there are problems with the appeal scheme before me.
9. The Council points out that with the proposed development 'the design of the first floor window is not correct as it has six panes over six, resulting in the panes being too small and square, and not matching the other *dwelling* in this pair.' The original pattern here should be three over six with a short top sash. The Council also points out that both proposed windows are shown as having horns, which is not correct for the Regency style appeal building. For those reasons, the proposed development would not be true to the style of the building.
10. Given the characteristic style of the appeal building, its position and the importance of the individual windows as features in the facade, on balance, I find that the proposed development would not keep the WHCA from harm.
11. I have considered all other matters raised, including the other examples to which I am referred, but none alters my conclusion on the main issue that the proposed development would be harmful to the character and appearance of the area, in conflict with the requirements of policies QD1, QD2, QD14 and HE6.

B C Scott
INSPECTOR