



Appeal Decision

Site visit made on 14 August 2008

by **Simon Hill MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
10 September 2008

Appeal Ref: APP/Q1445/A/08/2072187 12 Upper Lewes Road, Brighton BN2 3FJ

- 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 Ms Cattnach against the decision of Brighton and Hove City Council.
- The application (Ref BH2007/03198), dated 30 July 2007 was refused by notice dated 15 November 2007.
- The development proposed is replacement UPVC windows and rear door.

Decision

1. I dismiss the appeal insofar as it relates to the windows at the front. I allow the appeal insofar as it relates to the door and windows at the back and I grant planning permission for replacement UPVC windows and rear door at 12 Upper Lewes Road, Brighton, BN2 3FJ in accordance with the terms of the application, Ref BH2007/03198 dated 30 July 2007, and the diagrams and annotated photographs submitted with it in so far as they are relevant to that part of the development hereby permitted, subject to the condition that the development hereby permitted shall begin before the expiration of 3 years from the date of this decision.

Main issue

2. The main issue is the effect on the character and appearance of the building and the area.

Reasons

3. The appeal building comprises the first floor unit of a 3-storey residential terrace.
4. The Council does not object to the proposed window and door replacements at the back. I saw that they would be seen only from the back garden of the property and the immediately neighbouring gardens and that windows in the rear of the terrace comprise a mix of original-looking wooden sash windows and UPVC replacements. In that context I have no reason to depart from the view of the Council.
5. Most windows at the front of the long terrace, which runs for several properties each side of the appeal property, have had UPVC replacement frames installed. Surviving original wooden sash windows with mullions, such as that in the top floor window of the adjoining property, are very much the exception. The proportion of UPVC replacements in the 2-storey terraced housing on the

opposite side of the road is similar. In such surroundings the installation of UPVC frames would not be out of place.

6. All 3 floors of the part of the terrace in which the appeal property is located had the shape and frames of their windows significantly altered as part of a conversion to flats in 1971, well before the adoption of present national and local policies relating to the design of development. The top of the main bay window to the lounge is lower and the cill higher than those of windows in properties either side and generally within the terrace. In addition the frames differ significantly in their design, incorporating shallow top lights above casements, with the dividing bar well above the mid point. This differs from the norm in the terrace, where replacement windows have the central horizontal bar similar to original sash windows. The frame of the smaller (kitchen) window to the side reflects the design of the bay window, as do the windows above and below the appeal property. The overall effect is one of discord with the terrace as a whole, in which, although the many UPVC window replacements of varying detailing have lost the elegance of the originals (as represented by that in the top floor of the adjacent property) they have generally retained their basic proportions.
7. The proposed replacements would perpetuate the proportions of the existing window openings and design of the frames, which are uncharacteristic of the terrace of which the appeal property forms part. In addition, the omission of a central vertical element to the bay would accentuate the impression of a landscape shape in contrast to the prevailing portrait shape of frames in properties either side. The design of the proposal thus fails to take the opportunity of rectifying the poor appearance of the existing windows and would harm the character and appearance of the building and, being visible from the road, that of the street scene.
8. The part of the proposal relating to the front of the building therefore conflicts with policy QD14 of the Brighton and Hove Local Plan, which requires alterations to existing buildings to be well designed and detailed in relation to the property, adjoining properties and the surrounding area. It also conflicts with Planning Policy Statement 1: *Delivering Sustainable Development* which states that design which is inappropriate in its context or which fails to take opportunities available for improving the character and quality of an area should not be accepted.

Conclusion

9. For the reasons given above and having regard to all other matters raised, I conclude that, in relation to the proposed window replacements at the front of the property, the appeal should be dismissed and that, in relation to the proposed door and window replacements at the back, it should be allowed and permission granted subject to a time-limit condition.

Simon Hill

INSPECTOR