



Appeal Decision

Site visit made 21 October 2010

by **Doug Cramond BSc MRTPI**

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

Decision date: 15 November 2010

Appeal Ref: APP/Q1445/A/10/2130654

9 Brecon Court, Selborne Place, Hove BN3 3ET

- 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 K English against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/01131, dated 19 April 2010, was refused by notice dated 15 June 2010.
 - The development proposed is the replacement of existing timber windows with double glazed UPVC windows.
-

Decision

1. I allow the appeal, and grant planning permission for the replacement of existing timber windows with double glazed UPVC windows at 9 Brecon Court, Selborne Place, Hove BN3 3ET in accordance with the terms of the application, Ref BH2010/01131, dated 19 April 2010, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Diamond System 10 Section Drawings, Contract details dated 24.7.2009 and photographs included with the application.
 3. Any replacement cills shall be like-for-like with the existing timber cills in terms of profile and dimensions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

3. The appeal relates to a third floor flat within a 1950s purpose built block with plain unassuming elevations and a similar property to the north-west. The area is generally one of dense development with pleasant residential character and urban appearance. All bar one of the flats in the block retain timber frame windows although replacement by UPVC in the adjoining block is more
-

commonplace and has been undertaken comprehensively on the front elevation. The scheme is to replace three windows at the appellant's property, two to the side and one to the rear.

4. The appellant has provided detailed drawings which demonstrate that sections would be very comparable with the timber windows presently in situ. The timber windows in all the flats are presently coloured white and the UPVC would match this. The openings and proportions would match the windows to be removed and others on the block. The change to these windows in an elevated position at the side and rear of this building would not harm the appearance of the block. The scheme would accord with Policy QD14 within the Brighton and Hove Local Plan (LP) which is concerned with extensions and alterations and calls for them to be well designed with suitable detailing.
5. In this instance the use of UPVC would be satisfactory because of the style of the block and the simple form of the windows; there would not be conflict with LP Policy QD1 which seeks quality of development through, amongst other matters, overall design and materials.
6. The appeal site lies alongside a Conservation Area (CA) and Policy HE6 in the Brighton and Hove Local Plan underlines the need to preserve or enhance the character or appearance in this situation. The replacement windows would be visible from the rear of the large properties which lie within the CA but this is very much their secondary outlook and as is often the case at the rear of large urban properties the rear of these buildings themselves lack consistency and have varied fenestration styles and materials.
7. The new side windows would only be glimpsed from the Selborne Place to the south east which lies within the CA and the changes would not be eye catching given their nature, angles and height. The building contributes little to the CA on this elevation particularly with its external pipe-work to the fore. The rear window would be visible from the highway to the west but distances here are considerable, there is some intervening vegetation and this block can hardly be said to contribute to the qualities of the CA and its setting at this point either. In any event, the windows would not be alien features on the appeal property. There would hence be no conflict with the objectives of LP Policy HE6.
8. I have carefully considered all the matters raised by the Council and fully understand why it would wish to be cautious about partial change to fenestration on a block of flats and to exhibit extra care alongside a Conservation Area. However, for the reasons given above I conclude that the appeal proposal would preserve the character and appearance of the host property and the locality and would not be contrary to relevant development plan policies. Accordingly I shall allow the appeal.

Conditions

9. In addition to the standard three year commencement condition suggested by the Council I shall include a condition requiring that the development would be carried out in accordance with listed, approved, plans and documents. This condition should be applied because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans and documents, for the avoidance of doubt and in the interests of proper planning. Furthermore, in the interests of visual

amenity, I shall require the cill to match what is being removed; it is clearly the intent of the applicants to replicate the existing window in this regard but the cill profile is not specifically set out on the submitted plans.

Doug Cramond

INSPECTOR

