
Appeal Decision

Site visit made on 6 May 2014

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 23 May 2014

Appeal Ref: APP/Q1445/A/14/2214647

Ground Floor Flat, 28 Ditchling Rise, Brighton, East Sussex, BN1 4QN

- 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 A Urbino against the decision of Brighton & Hove City Council.
 - The application Ref. BH2013/00349, dated 1 February 2013, was refused by notice dated 31 October 2013.
 - The development proposed is described as "retrospective planning permission for new top opening front bay external window of ground floor flat".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form does not include details of the applicant. The Council therefore registered the application in the name of the agent. I shall proceed to determine the appeal on the same basis.
3. The description of development refers to window in the singular. However, the development actually comprises the insertion of three separate windows in the openings of a projecting bay window. My reasoning will therefore refer to windows in the plural.
4. At the time of my site visit the windows had already been installed. I have dealt with the appeal on the basis that planning permission is being sought for the retention of the windows.
5. The Government launched the Planning Practice Guidance web-based resource on 6 March 2014, after this appeal was lodged. The content of the guidance has been considered but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions.

Main Issue

6. The main issue in this case is the effect of the windows on the character and appearance of the building and the wider area.

Reasons

7. Ditchling Rise is a residential street containing a mixture of two and three storey Victorian terraced houses. No.28 is one of several properties which have been subdivided into flats. The appeal relates to the ground floor flat where uPVC windows have been installed on the front elevation facing the street. The proposal is to retain these windows.
8. Relevant guidance is contained in Supplementary Planning Document 12: Design Guide for Extensions and Alterations (adopted June 2013) (SPD). This advises that poor window design and placement can disrupt the general appearance of buildings and the rhythm of the streetscene, particularly on more traditional building forms where the continuity of fenestration is a key design element. The guidance states that the Council will seek to retain continuity and consistency to the appearance of buildings, and return continuity in incidences where previous alterations have been harmful to the appearance of the building.
9. Ditchling Rise is predominantly characterised by traditional timber sash windows. The windows are attractive in appearance with slim frame profiles and sliding sash opening mechanisms. The replacement windows in the appeal property have been installed in the existing openings and they have comparable proportions to sash windows.
10. However, the chunky frame profile gives the uPVC windows a much heavier appearance than timber windows and the top opening casement is at odds with the more traditional sliding sash arrangement. The differences in appearance are further emphasised by the fact that the first floor flat retains timber sash windows. This has led to a lack of continuity and consistency which runs contrary to the guidance in the SPD.
11. The appellant argues that the terrace was not designed as a homogenous group, and that subsequent alterations have created a mix of materials, fenestration and finishes. In particular, my attention is drawn to the replacement uPVC windows in the adjacent property (No.26) and others in Ditchling Rise and neighbouring Winchester Street. However, most serve only to highlight the harm that can result from unsympathetic replacement windows. In any event, there is insufficient information before me to determine whether other replacement windows in the locality are lawful in planning terms.
12. I have also been directed to a number of specific planning permissions for replacement uPVC windows within the street. Details of these permissions are not before me. However, it is clear from the information provided that they were granted prior to the adoption of the SPD. They therefore carry very limited weight as a precedent.
13. Accordingly, I conclude that the replacement windows are materially harmful to the character and appearance of the building and the wider area. I therefore find that the development conflicts with saved Policy QD14 of the Brighton & Hove Local Plan (2005) (Local Plan), as interpreted by the SPD. This policy requires alterations to existing buildings to be well designed and use materials sympathetic to the parent building.

14. The Council's refusal reason also makes reference to saved Policies QD1 and QD2 of the Local Plan. However, these are not directly relevant to the issue of building alterations.

Other Matters

15. The appellant states that the windows were installed to improve the living conditions of the occupiers of the flat. However, I consider that the same objective could be achieved with a more sympathetic style of replacement window.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR