
Appeal Decision

Site visit made on 5 December 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/Q1445/D/17/3182902
27 Crescent Road, Brighton BN2 3RP

- 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 Pascoe against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06218, dated 22 November 2016, was refused by notice dated 2 August 2017.
 - The development proposed is for the replacement of wooden sash windows with uPVC sash windows. The replacements are masterframe vintage style which are designed as sympathetic replacements for timber sash windows.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Round Hill Conservation Area.

Reasons

3. The site is situated within a residential street comprising generally well conserved two storey terraced housing. It forms part of the Round Hill Conservation Area, the character statement for which states that in order to halt the erosion of features such as sliding sash windows and traditional materials that threaten to harm to its special character, an Article 4(2) Direction came into effect on 11 January 2001. This direction removes certain permitted development rights and requires applications for planning permission to be submitted for, amongst other things, the replacement of windows and doors.
4. I noted on my site visit that quite a number of houses within the street have had uPVC replacement windows installed, but it is not clear from the submissions before me when these installations took place. However, notwithstanding this, each case must be assessed on its own merits and there still remain a significant number of houses within the street that have timber windows, many of which appear to be original.
5. I acknowledge that the appellant sought to find uPVC replacement windows that replicated the appearance of traditional Victorian sashes, but I noted on my visit that the majority of timber windows within the street were either single or double paned sashes, not multi-paned as the proposal before me. uPVC is not a traditional material and its use flies in the face of the Council's Supplementary

Planning Document on Architectural Features adopted in 2009 (SPD09), which incidentally highlights Georgian or Regency pre 1845 patterns as per the proposal, as well as Victorian post 1845 patterns.

6. Policy – Conservation Areas in SPD09 stipulates that original or historic windows should be retained unless beyond economic repair. It goes on to state that replacement windows must closely match the originals in their style, method of opening, proportions and external details; and for on-street elevations the original material must also be matched. Therefore, notwithstanding that the windows to be replaced may not be originals, they are nonetheless of timber construction and are in tune with the vernacular of the Conservation Area.
7. I note that the appellant does not dispute the Officer's Report where concerning the depth of the external meeting rail, and that the inner meeting rail would extend below the outer one. One would be able to quite clearly denote that the windows were of uPVC construction from the pavement, with the applied nature of the glazing bars also lacking authenticity.
8. I have stated above that quite a number of dwellings within the street have had replacement windows, although I have been provided very little detail as to the history of these but the appeal that was allowed by my colleague for the replacement of aluminium windows with plastic windows at 19 Crescent Road (APP/Q1445/A/09/2100462). However, the material difference between that case and the one before me is the fact that one inappropriate material was being replaced by another, not as in the case here which would give rise to the loss of timber windows.
9. The Council's reasons for making the decision refer to the National Planning Policy Framework (the 'Framework') and Policy SS1 of the Brighton & Hove City Plan Part One (2016) (BHCP). It may well be so that the windows could be recycled in the future, but they would not be traditional in appearance, notwithstanding any energy efficiency and noise insulation benefits. SPD09 highlights that significant energy savings to timber windows can be made by other simple and benign measures such as draft exclusion and perimeter sealing, restoring and bringing back into use internal timber shutters and putting up thick lined curtains. I have been given no substantive reason to dispute this and therefore I only give these considerations limited weight in the overall planning balance.
10. I accept that it is intimated within SPD09 Policy – Conservation Areas that uPVC windows can be used in rear elevations of dwellings whether those dwellings are in Conservation Areas or not. I do however fail to understand how that would be illogical, when it is front elevations that are most visible from the public realm, the interests of which the planning system seeks to protect through its operation.
11. The Council state that the impact of the proposal upon the living conditions of occupants of adjacent properties have been fully considered in terms of daylight, sunlight, disturbance, outlook and privacy and no significant harm has been identified in this respect, I concur with this view. Furthermore, whilst I sympathise with the length of time that it took for the planning application to be determined, this along with the other considerations in favour of the proposal,

are not outweighed by the harm that the proposed uPVC window frames would have upon the visual amenity of the host building.

12. The proposal would fail to preserve the character and appearance of the Conservation Area; and is contrary to BHCP Policy CP15 and Policy HE6 of the Brighton & Hove Local Plan (Retained Policies March 2016) which seek to conserve and enhance the City's historic environment, giving the greatest weight to designated heritage assets and requiring proposals within Conservation Areas to show a consistently high standard of design and detailing, reflecting the scale and character or appearance of the area and the use of building materials and finishes which are sympathetic to the area. The use of uPVC would fail to comply with SPD09 and in accordance with the Framework would lead to less than substantial harm to the significance of the heritage asset, the harm from which would not be outweighed by limited public benefits of the proposal.

Conclusion

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

C J Tivey

INSPECTOR

