
Appeal Decision

Site visit made on 15 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 13 October 2016

Appeal Ref: APP/Q1445/W/16/3150456
134a & 134b Hythe Road, Brighton BN1 6JS

- 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 L Watkins against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04459, dated 9 December 2015, was refused by notice dated 25 February 2016.
 - The development proposed is installation of replacement uPVC double glazed windows and a door.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement of timber sash windows numbered 1-6, 8-9 and 12 on the Product Survey Sheet and Identification Photographs. The appeal is allowed insofar as it relates to the replacement of casement windows and door in the lower ground floor and planning permission is granted for installation of replacement uPVC double glazed windows numbered 7, 10-11 and door 1 on the Product Survey Sheet and Identification Photographs at 134a & 134b Hythe Road, Brighton BN1 6JS in accordance with the terms of the application, Ref BH2015/04459, dated 9 December 2015, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Product Survey Sheet and Identification Photographs, and Window Specification Data Sheet so far as relevant to that part of the development hereby permitted.

Preliminary Matter

2. Following refusal of the planning application, the Brighton & Hove City Plan Part One (CP) was adopted and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council confirmed with their questionnaire that Policy QD14 of the LP referred to in the reason for refusal has not been superseded and remains part of the adopted development plan. Policies CP12 and CP15 of the CP have been adopted and may also be relevant to the appeal. I have based my decision on the current adopted policies.
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3. For the reasons that follow, I find the proposed replacement of the lower ground floor casement windows and door to be acceptable and they are clearly severable both physically and functionally from the remainder of the replacement windows. Therefore, I intend to issue a split decision in this case and grant planning permission for the replacement of the lower ground floor casement windows and door.

Main Issue

4. The main issue is the effect of the proposed replacement uPVC double glazed windows on the character and appearance of the existing building and wider terrace.

Reasons

5. Hythe Road and surrounding roads comprise predominantly Victorian terraced properties, most of which originally had timber sliding sash windows. Hythe Road and Preston Drove to the south are predominantly residential roads, with commercial uses, including shops, with flats above fronting Ditchling Road. Houses in Hythe Road at the end closest to no. 134 are terraced properties, each side of the road being long terraces of identical design. Properties on the south side of Hythe Road back onto Preston Drove that is located within the Preston Park Conservation Area.
6. The majority of properties in the terrace retain their original timber sliding sash windows, at least to the front elevations, which provides continuity and consistency to the appearance of the terrace. The windows within the flats at 134a and 134b Hythe Road are timber sliding sash windows to the front and rear that contribute to the character and appearance of the terrace, with casement windows in the lower ground floor to the rear and side.
7. The bulky frame profiles of the proposed replacement uPVC windows, particularly those that have top hung openings, would diminish the quality of the appearance of the building and would harm the uniformity of the terrace of houses of which this building forms part.
8. The rear of a limited number of properties are visible from the rear garden, a substantial proportion of which have uPVC windows to the rear. These are less visible from public vantage points, such that when used at the rear this material would have a limited effect on the character and appearance of the area. However, the casement style means of opening proposed in what are currently sash windows would alter the profile of the frames and have a significant effect on the character and appearance of the building and terrace, such that they would appear out of place, despite the limited views of the rear of the building.
9. The rear extension contains a door and a number of windows, those on the lower ground floor being timber casement windows, shown on the photographs and drawings as windows 7, 10, 11 and door 1. The proposed replacement windows and door would broadly reflect the design of the original windows albeit in a different material. Given their location at the rear of the building and on the lower ground floor where they are largely invisible from public vantage points and surrounding buildings, they would not materially affect the character or appearance of the building or wider terrace.

10. However, I conclude that the replacement of the original timber sliding sash windows with uPVC casement windows within the building would harm the character and appearance of the existing building and wider terrace. As such, the development would be contrary to Policy QD14 of the LP that seeks to ensure alterations are well designed and detailed in relation to the property and surrounding areas, and use materials sympathetic to the building.
11. Whilst I consider that the development would harm the character and appearance of the existing building and wider terrace, the replacement uPVC windows would not cause wider harm to the setting of the Preston Park Conservation Area given their separation from it.
12. It is intended that the windows for both flats would be replaced at the same time, such that their appearance would be consistent throughout the building. I note that a greater proportion of windows have been replaced on the surrounding roads, including within the conservation area. However, these matters do not overcome the harm to the character and appearance of the building and wider terrace from the overall design and materials of the proposed replacement windows.
13. My attention has been drawn to other cases that may have similarities. That at Little John Hotel was for ground floor replacement windows for earlier windows that were not sympathetic to the building's character, and the uPVC windows proposed in that instance would better match the uPVC windows that were already in the upper floors of that building. In the case of the development at Upper Gloucester Road in Brighton, surrounding development was of mixed character as distinct from the surrounding streets of terraced houses of identical design. In addition, the windows in that case were identical to those being replaced, with the exception of their material. For these reasons, I consider that those cases differed from that in front of me and, in any case, I need to consider this case on its own merits.

Conditions

14. I have imposed a condition specifying the relevant drawings as this provides certainty. The Council has suggested conditions requiring further information should the appeal have been allowed for the replacement of the sliding sash windows. However, I do not consider that these conditions would overcome the harm I have found above and would require considerable alterations to the design and appearance of the replacement windows that is more than would be appropriate in response to conditions.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the lower ground floor casement windows and door and dismissed insofar as it relates to the replacement of the original timber sliding sash windows.

AJ Steen

INSPECTOR