The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2017

by David Hogger BA MSc MRTPI MCIHT

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

Decision date: 26 January 2017

Appeal Ref: APP/Q1445/D/16/3161239
75A Hanover Street, Brighton BN2 9SS

- 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 Nathan Morgan against the decision of Brighton & Hove City Council.
- The application Ref BH2016/02058, dated 18 May 2016, was refused by notice dated 29 July 2016.
- The development proposed is the replacement of existing timber framed windows with aluminium framed windows.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Valley Gardens Conservation Area (CA).

Reasons

3. The appeal property sits at the end of a terrace of four dwellings which, even with the addition of burglar alarms, presents an attractive, largely symmetrical and consistent frontage on to Hanover Street. Currently three of the dwellings retain timber-framed windows. The exception is No75 but I am told by the Council that the replacement windows at that property are unlawful.

4. Although the proposed windows that are visible from the street would have 'matching' glazing bars, they would not include what are described as architectural horns. Whilst I accept that the horns are not integral to the functioning of the windows they are nevertheless an important visual feature, which albeit in a small way, contribute to the character and appearance of the street scene.

5. The proposed windows would be aluminium and I am told by the appellant that they would be low maintenance and sustainable. I acknowledge that in other circumstances such windows would be appropriate but in this situation great weight should be attached to preserving the appearance of the CA and I am not satisfied that this proposal would satisfactorily achieve that objective.

6. In terms of the wider street scene I saw a variety of window styles and materials but to some degree that reflects the significant differences in terms of property design and appearance. As referred to above, the terrace in which the appeal property sits retains a high level of symmetry which is not widely evident elsewhere in the street, thus emphasising the need to preserve the uniformity that exists.

7. Saved policy QD14 of the Brighton and Hove Local Plan (BHLP) requires development to be well designed and detailed, and saved policy HE6 confirms that a high standard of design and detailing is required in conservation areas. In particular the policy seeks to ensure that small scale architectural details are retained. Further advice is contained within Supplementary Planning Documents (SPD) 09: Architectural Features and 12: Design Guide for Extensions and Alterations. SPD 09 states that in conservation areas original windows should be retained unless beyond economic repair. SPD12 confirms that the Council is seeking to retain continuity and consistency in the appearance of buildings and that replacement windows on street elevations should be consistent with the original windows in order to retain and reinforce the uniformity of the façade as a whole. This proposal does not meet the policy requirements.

8. The appellant refers to examples of similar replacement windows elsewhere in the street. However, I do not have details of those works and in any event I am required to determine this appeal on its own merits. Reference is also made to the justification for including Hanover Street within the Conservation Area and to the issue of permitted development rights but I have determined the appeal on the basis of the evidence before me, including the Council's current policy framework.

9. The Council's approach to conserving and enhancing the historic environment is clearly set out in the Development Plan and in the aforementioned SPDs and there is insufficient justification for making an exception to policy in this case. Although it is not a matter on which my decision has turned, if this appeal were allowed it may make it more difficult for the Council to resist other similar proposals elsewhere in the CA which could be to the detriment of the character or appearance of the CA.

10. For the reasons given above the appeal should be dismissed.

David Hogger

Inspector