



Appeal Decision

Site visit made on 28 January 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/Q1445/D/19/3238129

5 West Hill Place, Brighton BN1 3RU

- 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 & Mrs Bouette against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00097, dated 11 January 2019, was refused by notice dated 31 July 2019.
 - The development proposed is replacement of front windows (currently not sash windows and in poor condition) with new UPVC (conservation approved) sliding sash windows which are compliant with the West Hill conservation requirements and match others in the road. The new windows will be sash windows with a single central bar to match other properties in West Hill place.
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Decision

1. I dismiss the appeal.

Reasons

2. The property is within the West Hill Conservation Area and the main issue is the effect of the proposal on the character and appearance of the designated heritage asset. Policy CP15 of the Brighton and Hove City Plan Part One seeks the preservation of the city's heritage and Policies HE6 and QD14 of the Brighton and Hove Local Plan contain requirements for development within conservation areas, and on extensions and alterations, including using materials sympathetic to the parent building. The area is subject to an Article 4 Direction stated to be in order to *'halt the erosion of features such as sliding sash windows and traditional materials'*.
3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The Council have published Supplementary Planning Documents 09 'Architectural Features' which includes section F on windows, and the Policy statement that *'new and replacement windows must closely match the originals in their style, method of opening, proportions and external details. On street elevations the original material must also be matched. Energy efficiency in repaired, replaced and new windows will be encouraged. Where trickle vents*

are required these must be concealed'. Supplementary Planning Document 12, *Design Guide for Extensions and Alterations*' includes guidance on replacement windows at section 3.4.

5. The replacement windows were in place when the Officer visited and the previous windows on the property are described as being wood-framed 1960s units; the appellants have supplied a photograph of windows with inappropriate pane sizes and opening arrangements, and they were stated to be irreparable. The appellants also list many other areas of work needing to be carried out on the property which they describe as being uninhabitable when purchased.
6. The replacement has an element of enhancement to the appearance of the conservation area through the reinstatement of a vertical sliding sash opening arrangement, but the use of upvc is not the reinstatement of the *original* materials and the detail of the frames and the balance by way of springs rather than weights, with the lower external part blocked-in, all introduce non-traditional features. The use of sealed double-glazed units may have been acceptable subject to the detailing of glazing bars and reveals, but the trickle vents are too prominent and the overall effect is incompatible with the plain treatment of the façade and the character and appearance of the area. The appellants offer change to the trickle vents, but it is unclear what would remain visible.
7. The appellants have drawn attention to other similar features elsewhere in the area, and in particular to a replacement allowed under reference BH2017/01387 at 6 West Hill Street. It appears that the Decision in that case was made on balance, with the removal of inappropriate windows taken into account, which is the case at the appeal property.
8. However, that and many of the other examples photographed concern bay-windowed properties with a short garden between the house and the street. The appeal property is a plain façade directly onto the street and the windows are a substantially more important component of the building and the street scene as a result. Close inspection is inevitable and that reveals the shortcomings in the detailing of these replacements. In any event the need for the Article 4 Direction to *halt* the erosion of features implies that some erosion had taken place.
9. Each case must be determined on its merits and the conclusion in the case of 5 West Hill Place is that the opportunity presented by necessary replacement has not been taken to enhance the character and appearance of the conservation area, and that the windows fitted to the front elevation cause harm to the designated heritage asset.
10. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
11. Considerable work has gone into the house to secure its viable use as a dwelling, given its previous poor condition. That work could however have been accomplished with a more appropriate design and manufacture of window. There are energy saving benefits to double glazing and draught-proofing, and noise attenuation is improved, but those benefits could have

been achieved through well-designed and manufactured timber sashes with correct detailing appropriate to the house and the area.

12. To conclude, the windows on these houses are a prominent and important part of the façade of the building and should contribute to the character and appearance of the conservation area. Whilst an improvement over those in place previously, the replacement windows do not closely match the *originals* in their style, external details and material, and the harm to the designated heritage assets of the West Hill Conservation Area is not outweighed by public benefits. The installation fails to accord with the Development Plan policies previously cited, the guidance in the Supplementary Planning Documents, the national policy in the Framework and the installation fails the statutory test in the 1990 Act.
13. Other considerations such as the street furniture in the area and other installations do not justify the harm caused and for the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR