
Appeal Decision

Site visit made on 8 June 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/Q1445/D/20/3247359

Flat 7, 47 Eaton Place, Brighton, East Sussex BN2 1EG

- 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 Rosalyn Brody against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/03129, dated 21 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is to replace 3x single glazed softwood white sash windows with double glazed white finish uPVC sash windows.
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Decision

1. I dismiss the appeal.

Reasons

2. The site is within the East Cliff Conservation Area and the main issue is the effect of the proposal on the character and appearance of that designated heritage asset. Saved Policy HE6 of the Brighton and Hove Local Plan 2005 concerns development within conservation areas and includes the requirement to use building materials and finishes which are sympathetic to the area. 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 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.
3. Number 47 is a 3-storey building at the end of a terrace of 2-storey buildings, with basements, which step uphill from the south. The front has a prominent presence on the corner with the busy Eastern Road due to its height and detailing. The end elevation however is plain as seen from the main road and from Bristol Gate opposite, while the rear elevation, with its flat-roofed closet wing and ground level walls displays still less architectural or historic interest; the lower window having been replaced with an inappropriate modern version. Whilst windows 1 and 2 are prominent in views along Eastern Road, window 3 did not appear to be visible in those views.
4. The character and appearance of the area is of ordered terraces of houses of varied styles and sizes, the fronts being the more significant. The rear of number 47 is therefore able to accept some degree of change without harm to the character and appearance of the conservation area.

5. There has been comment over precise sizing of component parts, and the slight change to the meeting rail size or bottom rail would go largely unnoticed and would not be a concern on the rear of this unlisted property. The detail of the horns, which are a feature of the existing windows similarly is of limited concern, while the bulk of the dummy sash boxes would be behind the outer brickwork as would be expected in this age of property to prevent fire transmission. The use of uPVC as such could go largely unnoticed, although visible woodgrain would be inappropriate since preparation and finishing standards of the day would have avoided that showing; the plain white would be the nearer match.
6. However, Window 1 has a vertical glazing bar dividing the sashes into 2-over-2 configuration and the trade literature confirms that this appearance would be achieved through separately applied internal and external profiles, with the 28mm glazing units empty between. The effect of this can be seen in the photograph of '*Shrublands*' within the trade literature, of a double line and consistent reflection of the single pane. In addition, the profiles show a void at the inner side of the dummy sash box where the pulley stile would traditionally run flat and this again is clear in the photograph of '*Shrublands*'.
7. Both of these unattractive and non-authentic features would be plainly visible from pavement level due to the oblique line of sight and the two failings together would draw attention to the non-traditional construction and hence use of materials, contrary to Policy HE6.
8. Making due allowance for the significance of this part of the building to the character and appearance of the conservation area and the nature of the near surroundings, the conclusion is that harm would be caused to that character and appearance. 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.
9. There are public benefits in the conservation of heat and power, and section 14 of the Framework sets out the need for a transition to a low carbon future. However, it is possible to improve the performance of traditionally constructed and balanced timber sashes and the sound attenuation referred to by the appellant can be better achieved through a larger air gap and secondary glazing.
10. In the balance, the public benefits do not outweigh the harm identified and the proposal would be contrary to Development Plan and national policy, and the statutory test referred to would not be met. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR