



Appeal Decision

Site visit made on 26 October 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Appeal Ref: APP/Q1445/W/20/3263658

Flat 4, 169 Ditchling Rise, Brighton BN1 4QR

- 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 Brian Legg against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02221, dated 2 August 2020, was refused by notice dated 10 November 2020.
 - The development proposed is replacement of existing wooden windows with UPVC windows.
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Decision

1. The appeal is allowed, and planning permission is granted for replacement of existing wooden windows with UPVC windows at Flat 4, 169 Ditchling Rise, Brighton BN1 4QR in accordance with the terms of the application Ref BH2020/02221, dated 2 August 2020, and the plan and window details submitted with it, 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 plan and window details: Title Plan Ref TQ3105NW and letter from Shaws Installations Ltd titled '*Quotation for UPVC Style Windows Supply and Fit*'.
 - 3) The replacement windows hereby permitted shall be '*Kommerling*' 70mm Chamfered Ovolo Bead Casement Windows.

Procedural Matters

2. I have taken the description of development from the decision notice, since it more succinctly and accurately describes the proposal than the descriptions on the application form and appeal form.
3. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
4. Since the refusal of the planning application, and notwithstanding the information within the Officer Report, the Council has confirmed that the appeal site does not lie within the Preston Park Conservation Area (PPCA) and that it

abuts the PPCA and is within close proximity of the Round Hill Conservation Area (RHCA). I have dealt with the appeal accordingly.

Main Issue

5. The main issue is the effect of the appeal scheme on the character and appearance of the host property and the surrounding area, including the settings of the PPCA and RHCA.

Reasons

6. The appeal property is located on the north side of Ditchling Rise, within an established residential area to the north of the City Centre. It comprises part of a two-storey over basement terrace of period residential properties with rendered walls under tiled pitched roofs. Similar terraces of properties are characteristic of the street as a whole, and neighbouring roads. There is a strong uniformity of original building design, materials and fenestration, including frontage bays and vertical timber-framed sash windows. This results in a visually harmonised street scene which forms an attractive streetscape and makes a positive contribution to the character and appearance of the area.
7. The appeal property is subdivided into flats, and the appeal scheme relates to the top floor flat which occupies the roof space and is served by front and rear dormers serving front lounge and rear bedroom and landing rooms. The proposal is to replace the timber framed casement windows within these dormers with UPVC casement windows of the same size as the existing, and with similar opening arrangements.
8. The original traditional white painted timber sash window design characteristic of the period terraces is still clearly apparent on the appeal property, particularly on the front elevation, where, in keeping with both side neighbouring properties, there is a clear consistency of window design below eaves height.
9. However, the flat-roofed dormer windows, the subject of the appeal proposal, comprise more recent additions to the front and rear of the building. They do not complement the original period building design, and appear as top-heavy modern additions due to a combination of their size, large proportion of roof slope they occupy, and expanse of tiled front and side walls. They incorporate side opening casement windows which, whilst timber-framed, differ notably in style from the period sash windows below. As such, the dormers already look out of place and incongruous within the context of the original building design.
10. The appeal scheme would not result in like-for-like replacement windows. The proposed windows would differ from those within the existing dormers and the front and rear elevations of the building, having regard to their wider frames and chamfered edges instead of the sharp 90 degree returns of the existing timber window frames. Moreover, UPVC has an artificial texture and a more uniform finish, both when new and when aging, than painted timber windows.
11. However, the new windows would comprise a casement opening pattern and white colour which accord with the existing dormer windows. They would be positioned at roof level where the aforementioned design differences would be less discernible in wider views from ground level, and where they would be perceived within the context of the modern dormers which have been added to the building and already clearly stand out as a visually distinct separate entity

from the original building fenestration detailing below. As such, I find that the proposed windows would not alter the established character and appearance of the host property, to the extent that they would be unduly conspicuous within, and detrimental to, the prevailing character of the area.

12. In coming to this view, I have also had regard to the existence of UPVC window frames on a number of other properties within the street, on both front and rear elevations, so that a mix of timber and UPVC frames is a feature of the established townscape within the site vicinity.
13. Moreover, the Council has confirmed that Ditchling Rise, including the appeal site, lies outside the PPCA. Therefore, the Preston Park Article 4 Direction referred to in the Officer Report, which requires planning permission for replacement windows to single dwellinghouse facades or elevations that face highways, does not apply to Ditchling Rise. As such, there is scope for the unrestricted introduction of further UPVC window frames within dwellinghouses within the street.
14. The site abuts the PPCA and lies within close proximity of the RHCA. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, required to pay special attention to the effects of the appeal scheme on these designated heritage assets.
15. The PPCA adjoins the rear boundary of the appeal site. It predominantly comprises terraced residential properties dating back from the mid-to the late 19th Century. These are separated from the appeal site, and the rear gardens of properties in this part of the north side of Ditchling Rise, by a railway line with maturely landscaped land to both sides.
16. In views from the PPCA, and when viewed as a backdrop to the PPCA, the appeal property appears as part of a terrace of similar period properties, many of which have had unsympathetic rear dormer additions added, and many of which contain UPVC framed windows. The appeal scheme would maintain this established townscape character. With this in mind, and having regard to my conclusions in respect of the impact of the proposal on the character and appearance of the host property and the wider area, I find that the appeal scheme would have a neutral impact on the setting and significance of the PPCA.
17. The RHCA is located to the south of the railway line and to the east side of Ditchling Road, which runs at right-angles to the eastern end of Ditchling Rise. It is characterised by mainly residential late 19th Century terraced housing. Due to the juxtaposition of the RHCA in relation to the appeal site, and the distance of the appeal site from its boundary and the intervening highways and residential properties, the appeal scheme would not harm the setting or significance of the RHCA.
18. For the above reasons, I therefore conclude that the proposal would not materially harm the character and appearance of the host property and the surrounding area, including the settings of the PPCA and the RHCA. As such, it would accord with the aims of retained Policies QD14 and HE6 of the *Brighton and Hove Local Plan 2005* (2016) and Policy CP15 of the *Brighton and Hove City Plan Part One* (2016). These policies, amongst other things, seek to ensure that alterations to existing buildings are well designed, sited and detailed in relation to the property, and use materials sympathetic to the parent building,

and that proposals within or affecting the setting of a conservation area preserve or enhance the character or appearance of the area.

19. This is generally consistent with Chapters 12 and 16 of the Framework which seek to achieve well-designed places and the conservation and enhancement of the historic environment.

Conditions

20. I have considered the Council's suggested conditions in accordance with Paragraph 56 of the Framework and the national Planning Practice Guidance. In addition to the standard implementation condition, it is necessary to define the location plan and the make and model of the proposed windows, in the interests of certainty and the character and appearance of the area.

Conclusion

21. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR