



Appeal Decision

Site visit made on 15 December 2021

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH January 2022

Appeal Ref: APP/Q1445/W/21/3279942

8a Rock Place, Brighton, East Sussex BN2 1PF

- 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 Bruce Gibson against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/01725, dated 10 May 2021, was refused by notice dated 5 July 2021.
 - The development proposed is Replacement of 2 UPVC windows with 2 UPVC windows on 2nd floor within dormer roof of same design and opening.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of 2 UPVC windows with 2 UPVC windows on 2nd floor within dormer roof of same design and opening at 8a Rock Place, Brighton BN2 1PF in accordance with the terms of the application, Ref BH2021/01725, dated 10 May 2021 and the plans submitted with it.

Main Issue

2. The main issue in this appeal is the effect of the replacement windows on the character and appearance of the host property and the East Cliff Conservation Area.

Reasons

3. The appeal premises comprise a two-storey period property located on a prominent corner position. The ground floor is partly in retail use with flats above, including within the roofspace. The replacement windows which are in situ are situated within 2no. leaded dormers that project slightly from the steep slated mansard roof that faces St James's Street. The appeal site lies within the East Cliff Conservation Area, which covers a large part of the eastern part of the City of Brighton. It was clear from my site visit that the part of the conservation area in which the appeal site is characterised by terraced properties, mainly dating from the Victorian/Edwardian eras. The significance of the Conservation Area appears to derive from the fact that it represents a tight-knit built form, which is mainly typified by terraced buildings rising gently from the sea front to the commercial frontages of St James's Street.
4. The National Planning Policy Framework says that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.

5. The windows in my view are simple and discreet with an absence of heavy cills and surrounds. They sit comfortably close to the front face of the dormer and, from historic photographs, replicate the design of the former casement windows. Whilst I agree with the Council that historic windows should normally be conserved as they will illustrate to varying degrees the materials, technology, craftsmanship and architectural tastes of any given period, the windows that have been installed here do not portray the clumsy proportions and profiles that can be a feature of uPVC windows more generally. Given their simple detailing, I do not agree with the Council that the windows contrast sharply or unacceptably with the existing traditional sash windows at first floor below.
6. Policy QD14 of the Brighton and Hove Local Plan 2005 (BHLP) indicates that extensions and alterations to existing buildings will only be granted if they are well designed, sited and detailed. This is supported by Supplementary Planning Document SPD 09 – Architectural Features (SPD). The SPD explains that in conservation areas, replacement uPVC or aluminium windows are unlikely to be permitted on an elevation of a historic building visible from a street or public open space. In this case, whilst the windows face a principal street, they are of such a design and profile that they only subtly alter the character and appearance of the host building.
7. The appellant draws attention to a large number of window alterations which have taken place elsewhere within the conservation area. The Council on the other hand draws attention to the possible precedent effect that allowing this appeal may have on the Council's ability to prevent further encroachment of modern materials into this conservation area. However, having carefully considered all the evidence including my detailed site visit, I conclude that the alterations to this property's windows at the very least has preserved the appearance of the conservation area. Thus, taking into account the particular circumstances, I do not consider that a harmful precedent would be set by my allowing the appeal.
8. Given my findings that the development has not resulted in unacceptable harm and the appearance of the conservation area has been preserved, this in turn means that there is no conflict with the conservation objectives of Policies HE6, QD14 of the Brighton and Hove Local Plan, CP15 of the Brighton and Hove City Plan Part One and Policy DM21 and DM26 of City Plan Part 2.

Conclusion

9. For the above reasons I conclude that the appeal is allowed.

Gareth W Thomas

INSPECTOR