

Appeal Decision

Site visit made on 20 January 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2022

Appeal Ref: APP/Q1445/D/21/3286972

62 Crescent Road, Brighton, BN2 3RP

- 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 Hugo Darby-Brown against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02035, dated 29 May 2021, was refused by notice dated 25 August 2021.
 - The development proposed is the replacement of single glazed wooden sash windows with UPVC double glazed sash windows.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of single glazed wooden sash windows with UPVC double glazed sash windows at 62 Crescent Road, Brighton, BN2 3RP in accordance with the terms of the application, Ref BH2021/02035, dated 29 May 2021.

Preliminary Matters

2. I use the Council's description of development which is more concise than the application form; I note the Appellant also uses this on the appeal form.
3. The windows are in situ; this does not alter my assessment process.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and locality.

Reasons

Character and appearance

5. The appeal property is a two-storey terraced dwelling on a steeply sloping street of generally similar properties. It has simple elevations and this property along with others locally in this area of established residential character come together to create a neighbourhood of very pleasing appearance and sense of heritage. The appeal scheme is as described above.
 6. The site lies within the Round Hill Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Saved Policy HE6 of the Brighton and Hove Local Plan
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(LP) which also includes a range of relevant design criteria for proposals within Conservation Areas. Similarly, the thrust of S72(1) is, amongst other matters, included in Policy CP15 of the City Plan Part One (CP). At the same time Policy DM26 in the Proposed Submission City Plan Part Two (CP2) carries some weight and follows the lead of S72(1) and amongst other matters calls for materials and finishes to respect their locality.

7. I can entirely see the reasoning for the Council, through policy protection and design guidance, seeking to secure that replacement windows in conservation areas will be constructed in traditional materials. In the vast majority of cases, in my experience, this would be the appropriate approach. As an exception I differ in this case.
8. The design, profile and proportions of the sash windows in hand are extremely close to original, a very unusual situation I would say, and one has to look very hard and at very close viewing to ascertain they are not timber; a very unusual situation to my mind. Furthermore, there are appreciable numbers of UPVC windows in this stretch of Crescent Road, giving something of a character setting in terms of *material*; albeit many are most unfortunate because of their design and in all likelihood do not have recent planning pedigree and certainly repetition of these profiles could not be condoned. The principal aesthetic quality of this road is the steep terraced drop down each side of the street, the rhyme of shallow canted bays, small front gardens, steps to front doors, and the general view down the road towards the sea rather than any fine detail of finish on this specific discreet appeal property itself.
9. Given all these circumstances and the nature of the scheme I conclude that the proposal would not run contrary to the aims of S72(1) of the Act or conflict with LP Saved Policy HE6, CP Policy CP15 or CP2 Policy DM26.

Conditions

10. The works are completed and hence no conditions are necessary.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the host property and the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR