



Appeal Decision

Site visit made on 21 June 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/Q1445/Y/22/3306919

Flat 5, 23-24 Old Steine, BRIGHTON, BN1 1EL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Miss Rekha Rosie Johnson against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/01921, dated 14 June 2022, was refused by notice dated 23 August 2022.
 - The works proposed are replacement of window to rear elevation with sliding sash window.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The window has already been replaced, and therefore I am considering this appeal retrospectively.
3. I have used the description of works that the Council used as it is more concise than the description entered on the application form.

Main Issue

4. The effect of the proposal upon the significance of the grade II listed building, known as No. 23 Old Steine.

Reasons

5. Section 16(2) of the LBCA requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
6. The appeal property is a flat within the listed building, No. 23 Old Steine. Its primary significance is found in its front façade, which comprises a pleasing formal composition of which the principal floors are arranged in a single curved bay that spans the full width of the building and increases its street presence. The building's appearance is enhanced by railings to the ground floor level, a delicate metal balustrade to the first floor and a masonry balustrade at the top of the curved bay, fronting the third floor windows.
7. The rear elevation of the building has a much more functional appearance. Whilst it is not disputed that it is less significant than the building's front face and has been subject to various changes as the Council has previously identified, its simpler and less ordered appearance still has some historic

significance. It is illustrative of the manner by which the building has been developed and adapted over time, and the strong contrast between its polite front and less important rear face.

8. The previous window was of an historic design, with margin lights and an overall balanced composition whereby the top sash and bottom sash were the same size. The photo shows that its historic appearance contributed to the character of the building's rear façade and thus to its significance. The Council's suggestion that this narrow wing could have served as a projecting outrigger that may be original to the 1825 building seems plausible. A window of this design could well date from that time and is likely to have reflected the high status of the building, which is also represented in its carefully formed front façade. Therefore, it is probable that the removal of the window has resulted in the harmful loss of historic fabric.
9. The Council suggests that the adjacent areas of wall have been extended out so that they almost align with the rear wall of the outrigger. Although the appellant refers to the benefits of matching the other windows on this elevation, the window fittings to the floors above and below differ so the replacement window has not achieved the suggested aim in any case.
10. The replacement follows the pattern of the two adjacent windows, which, although arranged as traditional sash windows, have an unusual proportion. The lower sash is taller than the upper sash. Whilst the windows to the floor above are also unequal, these windows have been divided into thirds, which gives a consistent size to each piece of glass and is a common historic arrangement. In contrast, the replacement window and the two adjacent windows incorporate an upper sash that appears squat by virtue of its smaller, roughly square, panes of glass. The replacement window has thus replicated two existing windows that are unlikely to be historic or a copy of an historic window pattern, and has a far less elegant appearance than the window that it replaced. Additionally, the replacement window has been fitted into an opening with a curved lintel, whereas the two existing windows have modern flat lintels. Such details emphasise the unsuitability of the replacement window and the extent to which it has eroded the historic appearance of the building.
11. For the reasons given, I consider that the previous window had historic value, and was of a design that was more suited to the scale and proportions of the opening and architectural quality of the building. In reaching this view I have considered the building's context and have been mindful of the conclusions in the case referred to by the appellant¹. This case related to the impact of replacement windows in a conservation area, which differs significantly from the appeal before me, where the main issue is the impact upon the significance of the listed building.
12. I note that the appellant finds herself in an unfortunate position whereby the window was replaced by the developers, prior to her purchase of the property. This however has no bearing on whether the replacement window is acceptable in the context of the building's special interest, and is therefore not a matter that should weigh in favour of the appeal.
13. The replacement window has harmed the special interest of the listed building. In terms of the National Planning Policy Framework (the Framework) the harm

¹ Waveney DC v SoS 5/11/02

would be less than substantial and relatively modest in the context of the primary special interest of the listed building, which is focused on its front façade. However, Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.

14. The appellant confirms in her final comments that the replacement window is not double glazed, so it is unclear how its installation has improved the thermal efficiency of the property. I can therefore give no weight to this matter.
15. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. There are no public benefits that are sufficient to outweigh the harm identified.
16. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. Although development plan policies do not strictly apply to applications for listed building consent, the proposal would also conflict with the Policies set out in the appeal submissions.

Other Matters

17. The Council refers to additional harm to the character and appearance of the Valley Gardens Conservation Area (CA) in its appeal statement, although no reference to such harm is included within its officer report or refusal reason. In its statement the Council does not explain how the works have harmed the CA. The replacement window has had little impact on the appearance of the street scene along Steine Street, and indeed from my observations on site the street would appear to contribute very little to the broader character and appearance of the CA, which is focused on the Valley Gardens on the other side of the listed building. Accordingly, this matter should not be a main issue of the appeal.

Conclusion

18. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR