



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: 27 June 2023

Appeal Ref: APP/Q1445/Y/22/3293602

Flat 3, 32 Cromwell Road, Hove, BN3 3EB

- 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 Mr Kevin Gallagher against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/04420, dated 16 December 2021, was refused by notice dated 8 February 2022.
 - The works proposed are replacement of window sashes at rear of property – including slim line double glazing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal upon the significance of the grade II listed building, known as Nos. 2-36 Cromwell Road.

Reasons

3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (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.
4. The appeal property is a flat within a building that was originally constructed as a substantial terraced house. The house is a component of the listed building that is made up of a large number of dwellings arranged as terraces and semi-detached villas. They date from the 1880s. Their significance is primarily derived from the rich appearance of their front elevations, which are finished in yellow brick with a lavish use of moulded bricks. These elements give the dwellings a strong sense of uniformity and architectural significance. Many original fittings survive, including historic joinery, which adds to the building's significance.
5. The rear of the terrace is much more restrained, and typical of the rear façade of such buildings where functionality largely determined appearance. Although the rear elevations have seen a much greater degree of alteration, they still retain a sense of order and formality. This is derived from remaining historic joinery and openings that are vertically aligned, as well as lower bay windows that include some decorative masonry, albeit in a more restrained manner than on the front of the building.

6. The appeal relates to a sash window at the rear that appears to be original and matches many other retained rear facing windows. It sits above a substantial bay window and below a matching sash window; and all three openings are vertically aligned and part of the original fenestration at the rear. This arrangement, and the extent of original fabric that is retained at the rear of this part of the terrace, contributes to the significance of the listed building.
7. It is evident that care has been taken in the proposal to match the appearance of the existing window. The proposed replacement window would retain its overall appearance, and thus broadly retain the building's visual interest. However, it would require the removal of the existing window, which is an important part of the building's original fabric. Its loss would thus cause some harm to the significance of the listed building.
8. Additionally, the replacement window would incorporate double glazing. The introduction of double glazing would fail to authentically replicate the historic detail of the existing window. Its adverse impact would be compounded by the use of an applied glazing bar, whereby the bar would be merely an aesthetic addition fixed over the face of the glass and would serve no functional purpose. This would compromise the significance of the historic building by introducing a fitting that attempts to retain the overall appearance of its façade but falls short of respecting its integrity as an historic asset.
9. SPD 09 Architectural Features 2009 (SPD) states that original windows should be retained unless beyond economic repair. The existing window has recently been repaired. At my visit it appeared to be in good order and was well decorated. Therefore, the appellant's suggestion that the window is in poor condition and the sashes need replacing does not weigh in favour of the proposal.
10. There is nothing before me to demonstrate that alternative measures have been considered such as the introduction of secondary glazing, which would be easy to fit to the window. The SPD states that the energy efficiency of historic windows will be primarily promoted through the use of measures such as secondary glazing. Furthermore, there is an environmental benefit to retaining the existing window, which has been recently repaired and survived in situ since the 1880s. It is likely to be constructed of high quality timber that is difficult to replicate today. A double glazed sealed unit in comparison will fail in a much shorter time period.
11. The appellant refers to the Council's grant of consent at Flat 5, 23-24 Old Steine¹. Details of the circumstances surrounding this grant of consent are not before me, so I cannot ascertain whether the windows that were replaced were historic or whether they were beyond repair. However, having dealt with another appeal at Flat 5, 23-24 Old Steine, I am aware that the Council refused consent to replace windows at the rear of the flat with double glazing. It is important that each proposal is assessed on its own merits, and there are many variables that could have caused the Council to reach a particular decision at this other property. I am not therefore satisfied that it is a matter that should weigh in favour of this appeal.
12. The proposal would cause harm to the significance of the listed building. In terms of the National Planning Policy Framework (the Framework), the harm

¹ Council Ref BH2021/03844

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.

13. Reducing energy consumption is a public benefit, and I note that the appellant refers to fuel poverty, which he suggests is owing to the poor thermal performance of the existing window. I give this matter limited weight however as there is nothing before me to clarify why secondary glazing has not been considered as a straightforward and cost effective way of improving the thermal performance of the window, whilst safeguarding original historic fabric.
14. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. The public benefit is not sufficient to outweigh the harm identified.
15. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the 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

16. The site is within the Willet Estate Conservation Area (CA). The rear elevation of the terrace is visible from the nearby area but is not prominent to view. The difference between the existing window and the proposed window would be difficult to discern from the wider area of the CA. I am therefore satisfied that the proposal would not harm the character or appearance of the CA.

Conclusion

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

A Tucker

INSPECTOR