



Appeal Decision

Site visit made on 20 February 2025

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/Q1445/D/24/3355519

17 Havelock Road, Brighton BN1 6GL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Smith against the decision of Brighton and Hove City Council.
 - The application Ref. is BH2024/01735
 - The development proposed is to replace four front windows with uPVC sliding sash double glazed units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the uPVC replacement windows on the character and appearance of the host property, the streetscene and the Preston Park Conservation Area, which is 'a designated heritage asset'.

Reasons

3. The appeal property is the right-hand building of a pair of late C19th semi-detached houses on the west side of Havelock Road. There are many pairs of the same traditional design on this side of the road, although those to the south including No. 17 also have basements. From my visit I concluded that each pair and the street scene as a whole clearly make an important contribution to the character and appearance of the conservation area. A significant part of this contribution is the limited extent to which the appearance of the properties has been altered by unsympathetic alterations and additions.
4. The Officer's Report says that *'in this instance the need to retain the original timber framed windows is of particular importance, as a significant proportion of the houses along Havelock Road have retained their timber framed windows so it would detract from the uniformity of the area'*. This is countered by the comments in the appeal statement which argue that there are many uPVC windows already in the road, albeit I note there is no evidence as to the number of these that postdate the 2001 introduction of the Article 4 Direction.
5. Be that as it may, from all that I have seen and read I am not persuaded that these replacement windows are in sufficient number to have changed the character and appearance of the houses and thereby the conservation area to an extent that would justify allowing the use of uPVC at No. 17. In addition,

this use would be directly contrary to the guidance in SPD 09 'Architectural Features' and in conflict with Aim 1 of Policy CP15 in the City Plan Part One 2016 and paragraph d) of Policy CP26 in the City Plan Part Two 2022.

6. I acknowledge that the particular example of replacement windows proposed is of a high standard, but I am unable to accept the appellant's contention that uPVC windows, or at least those in this application, are indistinguishable when seen from the pavement. As the Officer's Report says, *'uPVC has a different reflective quality which would separate it visually from the existing building's painted timber windows, drawing more attention to the proposal and exacerbating the harmful impact on the host building and conservation area'*.
7. The appellant has cited other uPVC windows in Havelock Road as a reason why the application should be approved. However, if the appeal is allowed, I consider it would make it more difficult for the Council, in fairness, to resist further similar applications. This would incrementally undermine the significance of the Preston Park Conservation Area as a designated heritage asset.
8. Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework, revised in December 2024 ('the Framework') says at paragraph 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. Paragraph 215 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is the case in this appeal), this harm should be weighed against the public benefits of the proposal. However, there is only a very limited public benefit through the uPVC window improving the energy efficiency of the house in line with current Government policy. Nor do I regard this as outweighing the harm that would be caused to the conservation area.
10. Overall, I find on balance that the Council's refusal of the application would have a harmful effect on the character and appearance of the host property, the streetscene and the Preston Park Conservation Area and that this is supported by national policy on heritage assets in the Framework.
11. For the reasons explained above and having had regard to all other matters raised, the appeal fails.

Martin Andrews

INSPECTOR