



Appeal Decision

Site visit made on 11 March 2025

by **S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th March 2025

Appeal Ref: APP/Q1445/Y/24/3344221

Flat 2, 121 Lansdowne Place, Hove BN3 1FP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr A Hillier against the decision of Brighton & Hove City Council.
- The application Ref is BH2023/02565.
- The works proposed are replacement timber casement windows.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant originally applied for planning permission but was informed that the works required listed building consent. That application used the description set out in the above banner heading. The Council's decision notice gave a more precise description: 'replacement of existing timber framed single-glazed windows with uPVC double-glazed windows'. I have determined the appeal based on this description and the submitted plans which showed the flat to have a total of 7 windows on three elevations.

Main Issue

3. The main issue is whether the replacement windows would preserve the Grade II listed building or any features of special architectural or historic interest that it possesses.

Reasons

Significance

4. Flat 2 is one of a pair of basement flats within No 121 Lansdowne Place. This straight street lies within the Brunswick Square Town development, one of the finest examples of Regency and early Victorian planning and architecture in the country. No 121 is part of a terrace of properties which are Grade II listed as a group, Nos 59-127, constructed between 1850-1860. Lansdowne Place is flanked on both sides by almost identical long terraces.
5. The terrace, which was listed in 1971, retains many original features including 2-window bow frontages, square headed sash windows, moulded parapet and cornice with cast iron balustrading for first floor windows. The buildings therefore present very regular frontages to the street giving it a strong sense of uniformity, rhythm and scale. The properties are split across five storeys. The basements originally contained the kitchen and servants' quarters. The ground and first floors contained reception rooms. Bedrooms for the residents were on the second floor

and for servants on the third floor. Many of these grand houses have now been split into flats. Flat 2 is in the basement and is comprised of a number of small rooms in the rear outrigger. None of the existing windows to the flat are original. They are modern casement windows with non-traditional proportions.

6. The significance of Flat 2 No 121 is therefore derived from being an integral part of the Brunswick Square Town development and within a specific property that has retained many original features. The consistent features that characterise the properties, such as the windows, are highly distinctive and contribute to the significance of the group as a whole.

Assessment of replacement windows

7. The existing windows are out of character with the traditional sash windows which characterise the upper sections of the rear elevations of the other properties in Lansdowne Place and Lansdowne Street and can be seen from the space to the rear of the flat. The insertion of modern casement windows into the outrigger has already caused harm to the integrity of the listed building through the loss of historic features that contributed to the architectural interest of the building. This harm is not diminished because the existing windows are not visible from the public realm.
8. The position of the windows in this basement flat, close to the ground and on the lowest sections of the rear elevations means that they are particularly exposed to water damage. The sills of two of the windows (W3 and W4) are only just above ground level making them especially vulnerable to water penetration. In this context the use of modern soft wood window frames in the existing windows is not appropriate. There is evidence of rot within both the frames and sills.
9. The proposal seeks to replace these existing, single-glazed, timber window frames with uPVC double-glazed units. The proposed fenestration pattern would replicate the existing ones with four of them having top opening sections. Two others would be side opening casements. The largest window has two panels, and the proposal would replicate the ability to open the larger upper section. However, the use of uPVC would be completely at odds with the traditional materials used on the original terrace. Furthermore, the uPVC frames would introduce thicker elements within the opening sections giving the windows a heavier appearance. This combination of factors would be harmful to the integrity of the building as a whole.
10. It was pointed out to me on my site visit that there are uPVC windows in some of the adjoining basement flats, including some large patio doors. However, I do not know if the Council is aware of these windows, which may well be unauthorised. Neither can I be certain that the Council has decided that it would not be expedient to enforce against the installation of such windows. Their presence is therefore not a matter which is determinative in my assessment of the proposed works. Neither is it a justification for permitting works that would harm the listed building.
11. Whilst the condition of the existing timber windows is regrettable, there was no substantive evidence to suggest that they could not be repaired or replaced incorporating better quality timber that would be more resistant to water penetration providing that it is adequately treated and maintained. This would be preferable to replacing them with uPVC and introducing an alien, modern material into the historic fabric which would further harm the special character of this Grade II listed building.

Conservation Area

12. Lansdowne Place lies within the Brunswick Town Conservation Area (BTCA). The significance of the BTCA primarily derives from the exceptional quality of the street pattern and layout of the area combined with the strong sense of rhythm, scale and uniformity of the buildings within it. The many common architectural features and the subtle variations between them also strongly contribute to the significance of the BTCA as a whole.
13. As a Grade II listed building the terrace of which the flat is a part makes a positive contribution to the BTCA. The proposed replacement windows would harm the listed building and therefore would fail to preserve or enhance the character and appearance of the BTCA.

Public benefits

14. The harm that I have identified would be less than substantial in terms of the National Planning Policy Framework (the 2024 Framework). However, this assessment of harm still amounts to a significant objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal, as required by paragraph 215 of the 2024 Framework.
15. Replacing existing single-glazed windows with double-glazed units would make the flat more thermally efficient. However, the primary beneficiary of this improvement would be the occupants of the flat. Any public benefit associated with reducing energy consumption and mitigating the effects of climate change would be very limited. Furthermore, there may be less harmful ways of improving the flat's thermal performance without adversely affecting the significance of the listed building. The public benefits would therefore not outweigh the identified less than substantial harm.
16. Consequently, the proposal would fail to preserve the special architectural and historic interest of Flat 2, part of the Grade II listed building Nos 59-127 Lansdowne Place. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The proposal would be contrary to paragraphs 202 and 212 of the 2024 Framework which state that, as an irreplaceable resource, great weight should be given to conserving a designated heritage asset's significance.
17. The proposal would also conflict with Policy CP15 of the City Plan Part One 2016 and Policies DM18, DM21, DM26 and DM27 of the City Plan Part Two 2022, which seek to preserve and enhance the city's heritage assets, including its conservation areas and listed buildings.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

S M Holden

INSPECTOR