



Appeal Decision

Site visit made on 25 August 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th September 2025

Appeal Ref: APP/Q1445/W/25/3367340

45 Trafalgar Street, Brighton and Hove, Brighton BN1 4FT

- 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 John Summers (S A Partnership) against the decision of Brighton and Hove City Council.
 - The application Ref is BH2024/00328.
 - The development proposed is application to vary conditions 1, 3, 5, 6 of planning permission BH2020/03021 to amend the east facade to include a new front door in a revised location, replacement fenestration and recovering the main pitched roofs.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of the development to read 'application to vary conditions 1, 3, 5, 6 of planning permission BH2020/03021 to amend the east facade to include a new front door in a revised location, replacement fenestration and recovering the main pitched roofs'. This is a more concise description of the proposal. I have taken the description above which also appears in the appeal form. I am satisfied therefore that the cases of the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.
3. At the time of my site visit the windows had already been installed. I have dealt with the appeal on the basis that planning permission is sought for the replacement fenestration.

Main Issue

4. The Council raised no objection to the proposal to amend the east facade to include a new front door in a revised location and recovering the main pitched roofs. Based on the information before me, I have no reason to take a different view. The main issue in dispute between the parties is the effect on the character and appearance of the North Laine Conservation Area (CA) of the uPVC windows.

Reasons

5. 45 Trafalgar Street is a four-storey property located on the corner of Over Street and Trafalgar Street. The principal elevations in Over Street are finished in a white lime-based stucco with chamfered block jointing to the lower part of the façade. The property history shows the property has undergone extensive demolition and rebuilding to address structural defects.

6. The property is located within the CA. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The North Laine Conservation Area study (January 1995) identifies the North Laine as combining residential streets and a large residential community with busy shops, cafes etc. The streets and buildings as a whole form an area of townscape which is interesting and attractive. The problems facing the CA are inappropriate and poorly designed alterations and extensions to residential buildings including windows and a rash of unauthorised works and insufficient planning controls over development.
8. Supplementary Planning Document 09 Architectural Features (December 2009) (SPD09) and Supplementary Planning Document 12 Design Guide for Alterations and Extension (June 2013) (SPD12) advise that plastic frames are not an acceptable replacement for timber sliding sash windows on elevations visible from the street in conservation areas.
9. The use of uPVC windows has resulted in the type of development the Council specifically seeks to resist, and which is identified in the North Laine Conservation Area study as the type of development that is inappropriate in a conservation area. The development is clearly distinguishable from timber sash windows due to the presence of trickle vents and the thickness of the frame. The cumulative effect of the introduction of uPVC windows fails to preserve or enhance the character or appearance of the CA and ultimately undermines the value of the CA.
10. The level of harm identified from the development would be at the lower end of less than substantial, however it still causes harm. I note there may be a degree of public benefit from the use of uPVC windows through the thermal efficiency of the windows and how they will help mitigate climate change, however, uPVC may not be the only option for mitigating climate change and other options may be more suitable for a conservation area. I have not been provided with sufficient evidence regarding other options that have been considered.
11. My attention is drawn to other examples of uPVC windows within the vicinity of the site. However, I have no evidence that these were installed with the benefit of planning permission and their existence only serves to demonstrate the harm that is caused by the use of inappropriate materials in a conservation area. It is for the Council to determine whether it is expedient to take enforcement action against unauthorised works and I must determine the appeal on its merits.
12. I conclude the development would fail to meet the requirements of the Act as it would fail to preserve or enhance the character or appearance of the CA for the reasons given above. The development does not accord with Policies CP15 of the Brighton & Hove City Plan Part One (March 2016), and Policies DM18, DM21 and DM26 of the Brighton & Hove City Plan Part Two (October 2022). Together, these policies aim to retain features that contribute positively to the identified character and appearance of the area, and ensure that on street elevations, the original material for the proposal must be matched.

Other Matters

13. I have not been provided with sufficient evidence that the appellant had explored other options to enable the windows to be replaced with sliding sash timber framed windows rather than uPVC with regards to additional structural support. This should be considered in light of the structural works already undertaken at the property to reduce the weight of the roof and the downward load which might render the additional structural support from the windows unnecessary. It is noted the structural work had not been undertaken when the windows were previously replaced.

Conclusion

14. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this. For the reasons outlined above, I conclude the appeal should be dismissed.

C Coles

INSPECTOR