



Appeal Decision

Site visit made on 18 February 2026

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2026

Appeal Ref: APP/Q1445/Y/25/3376004

9 Park Crescent, Brighton, Brighton & Hove BN2 3HA

- 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 Fraser against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/01841.
 - The works proposed are replacement of single glazing with slim double glazing in existing frames, and the addition of glass in boxing around stair to bring light to basement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal concerns a listed building located within a conservation area (CA), I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and pay special attention to the desirability of preserving or enhancing the character or appearance of a CA.
3. The second part of the proposed works concerns the replacement of some timber panels at the ground floor stair with single glazing as indicated on submitted drawings. The panelling is not considered by any party to be original to the listed building, and I find no reason to consider otherwise. The reason for refusal and Council's Statement of Case make clear there is no objection to this part of the proposal. Taking account of the statutory duties of the Act and the evidence before me, I find that this part of the proposal would preserve the special interest of the listed building and the character and appearance of the CA; and would not harm the significance of these designated heritage assets. Consequently, my consideration of the appeal focusses on the remaining proposed works, where harm has been identified by the Council.

Main Issues

4. The main issues are the effects of the proposal upon the Grade II* listed building "Numbers 1-16 Including Garden Walls and Piers and Cast Iron Area Railings"¹, of which the appeal property is a part, and upon the character or appearance of the Valley Gardens CA.

¹ List Entry Ref: 1380694

Reasons

Special Interest and significance

5. From the list entry and evidence before me, the listed building is a terrace of houses, built over several years from 1849 by A H Wilds who was a leading architect of Regency Brighton. It forms the western range of Park Crescent, with the eastern range being from Nos 33-48. Together they form a horseshoe shape around private landscaped gardens to their rear, which once formed part of a private zoo.
6. The listed terrace is described as two and three storeys over a basement and is of stucco with a slate roof. The listing description notes the unusual and distinctive design of the terrace and its group value. The fenestration is described in detail, to include that within the rear elevation and includes overlights, flat arched windows with moulded architraves, and timber sashes of original design in 4/4 and 2/3 configurations, some with margin lights.
7. In so far as related to the appeal, I find the special interest and significance of the listed building to be mainly derived from its architectural and historic interest and its intrinsic group value. The fenestration of the terrace, surviving historic fabric, traditional construction methods and materials are important and key contributors to its special interest.
8. From the evidence before me, the significance of the Valley Gardens CA stems in part from the relationship between public gardens and surrounding built form, forming a green valley from Park Crescent to the sea. The CA includes some of the earliest buildings of Regency Brighton and landmark buildings such as the Royal Pavillion. The central open space of The Level, various buildings and terraces in the CA are also by A H Wilds. The large scale and grandness of Park Crescent is an important feature within the CA and views of its rear roofline are a key feature from The Level.
9. In so far as related to the appeal, I find the significance of the CA to be mainly derived from its architectural and historic interest and attractive groups of period buildings which include the terraced form of Park Crescent, where the rhythmic symmetry of its façades is a key characteristic of the CA.

Effects

10. Listed Building: The proposed replacement of existing single glazing with slimline double-glazing units would be to all existing frames, including overlights. No works are proposed to the outer frames themselves, save for the adjustment of weights in the access panels of existing sashes, to address the additional weight of the glazing. The submitted detailed drawings demonstrate that the present glass is about 4mm deep and that the proposed units with a depth of 12mm could be physically accommodated within the existing frames. Although existing putty would be removed, the new glazing would be installed with traditional linseed putty. However, resulting putty angle would be steeper to accommodate the new glazing.
11. The appellant contends that only 25% of windows at the appeal property retain original glazing, and therefore there would be a minimal loss of historic material. However, there is no further explanation or compelling evidence to explain the basis of this calculation, nor is there any detailed assessment or survey to

demonstrate which frames retain original glazing or historic glass. It is not clear if the overlights have been accounted for in the calculation. I therefore cannot be certain of the quantum of original and/or historic glass that would be lost; nor where it would be lost from as a result of the works. In any event, the fact of the matter is that original and/or historic glass would be lost within the appeal property, harming this part of the listed building.

12. I am also mindful that the fenestration of the appeal building makes an important contribution to the intrinsic heritage value of the listed building as a whole, and as a group with its eastern counterpart. Although I was unable to see the full extent of the rear elevation of the listed terrace, my own observations indicate some imperfections and irregularities in glazing at the appeal property and within the wider terrace. No examples of double glazing are referred to by any party at the appeal property or within the wider listed terrace as a precedent and I saw none during my visit. The replacement double glazed units at the appeal property would disrupt the uniformity of the single glazing of the listed building as a whole.
13. The appellant suggests the works would not be noticeable unless being examined up close by someone with knowledge of historic buildings. Even if that were the case, it does not render the works acceptable as the statutory protection for listed buildings extends beyond purely aesthetic considerations. In any event, the proposed glass may have a different reflective quality, compared to the more matt, uneven finish of a traditionally glazed window. I also note concerns are raised by the Conservation Advisory Group that the proposal would (among other things) noticeably alter the character of the windows.
14. The Council does not object to the replacement of glazing within the rear elevation, on the grounds that it appears to have lost some of its original windows and that the rear elevation is 'less significant' than the front elevation. Further, that the garden elevations are busier and have been subject to incremental loss and alteration over time so that the original consistency of composition has been eroded. However, it is not clear how the rear elevation is of less significance, particularly when its fenestration is clearly identified in the listing description. Moreover, in the absence of detailed or compelling evidence demonstrating which windows are original at this elevation and include original or historic glass, I cannot be certain that the wholesale replacement of glazing in the rear elevation has been clearly and convincingly justified and would not harm the special interest of the listed building.
15. For the above reasons, the loss of historic fabric at the appeal property would unacceptably diminish the special interest of the listed building and its group value and would not sustain its significance. The use of 'ripple effect' glass would not overcome this harm, as the surviving historic fabric and traditional construction and materials of the listed building are important and key contributors to its special interest, and the refractive properties of double-glazed units differ from single glazing.
16. Conservation Area: The proposed works would harm the character and appearance of the fenestration of the appeal building, and the uniformity of single glazing within the listed building, at the very least to the front elevation. In turn, this would harm the character and appearance of the CA, as Park Crescent makes an important contribution to its significance, and the proposal would undermine the character and appearance of its rhythmic façades.

17. Given the above, I find that the proposed works would fail to preserve the special interest of the listed building; and would fail to preserve the character and appearance of the CA. This would harm the special interest and significance of these designated heritage assets.

Public benefits and balance

18. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Further, that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm requires a clear and convincing justification.
19. I find the proposed works would amount to 'less than substantial' harm to the significance of these designated heritage assets, which accords with the appellant's position. Although I find that harm to be at the lower end of that spectrum, it is nevertheless of considerable importance and weight. In such circumstances, I am required to weigh this harm against the public benefits of the proposed works, including, where appropriate, securing its optimum viable use.
20. The works are proposed on the grounds of improving thermal efficiency. Such an objective would reduce energy consumption and mitigate the effects of climate change and therefore would be a public benefit worthy of moderate weight in favour of the works. However, no alternative means of improving thermal efficiency appear to have been considered, including the use of secondary glazing. I am therefore not persuaded that the proposed works are the only or least harmful way to secure such public benefits, which limits the weight I attach to them. Temporary economic benefits would also arise from the proposed works.
21. Furthermore, there is no substantive evidence before me which indicates that the property would not be useable or viable as a dwelling or that its future would be at risk if the appeal were to fail and the replacement double glazing was not installed.
22. I therefore conclude that on balance, the public benefits of the proposed works would not outweigh the harm that I have found to which I am required to attach great weight.
23. Conflict would arise with Policies DM26 and DM27 of Part 2 of the Brighton & Hove City Plan (CP) which seek to prevent harm to the special interest of a listed building and/or the character or appearance of a CA, taking account of the balance required by the Framework. Although the proposed works would be generally supported by Policies CP8 and CP15 of Part One of the CP in terms of potential impacts upon energy efficiency and making existing buildings more sustainable, conflict would arise with Policy CP15 in weighing the harm against the public benefits of the proposed works.
24. The replacement glazing would not accord with the Council's guidance (Supplementary Planning Document: SPD09 – Architectural Features) which sets out the circumstances where replacement double glazed units, including slimline units are acceptable. Among other things, it states that for listed buildings, double glazed units fitted within existing frames are only likely to be acceptable where there would be no loss of historic detail or fabric and where uniformity of elevations would be maintained.

25. For the reasons above, the harmful elements of the proposed works would fail to satisfy the requirements of the Act and the Framework and would be inconsistent with development plan policies as set out above.

Conclusion

26. For the reasons above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

J Moore

INSPECTOR