

Supporting Statement for a Retrospective Planning Application in respect of 2 pairs of dormer windows on the second floor of 78a St James Street Brighton BN2 1PA. Property known as 8a Rock Place Brighton BN2 1PF

This statement has been prepared by the owner Bruce Gibson of 65/66 Marine Parade Brighton BN2 1AD

## Introduction

There is currently an ongoing investigation by the Local Authority into the change of 2 second floor dormer windows. I was advised by Mr Pinheiro that no planning permission is required for a change of windows when the replacement windows closely match the previous ones (22<sup>nd</sup> April 2021 email), but it was determined that the replacement windows do require planning permission and sights the appearance of the frame as being wider than before. It is true that the replacement windows are 1cm wider on the side, whereby the side frame was 50mm and the bottom & top 60mm, whereas now the frame is all the same at 60mm.

I have confirmed that the windows are the same material, same side hinged opening, same design, same moulding, same size to the top and bottom rails and same colour (white) as before, so the issue is the extra 1cm on the frame to the side only. There was no mention of a trickle vent being objected which was incorporated in the replacement 2 windows, in order to allow ventilation to 2 bedrooms that had no ventilation, unless the window is opened (there being no airbricks in the property). The trickle vents are small and not detrimental to the appearance as a whole and exist in the street. Given that you can hardly see the top frame, I ask that this can be overlooked and seen as a benefit for the building, and the occupants of the bedrooms.

## History.

The property is unlisted. Historically the windows are of a mixture of different styles and materials and include UPVC and timber. It does not form part of a block of flats and is a single maisonette above a pizza shop.

The pre-existing dormer windows in question were UPVC and had been installed at some point in the past, though had degraded, whereby the double glazed units were misting up with condensation within the double glazed unit, as well as a breakdown in the resin of the UPVC used and chipped parts to frame and sill.

## Windows

The replacement UPVC windows are of the same overall size, material and design of moulding as before. The difference between the old and new is an extra 10mm on the frame to the side, whereas the same size of 60mm on the upper and lower rails existed on the old windows as does on the new ones.

I had arranged installation of the windows, simply as I had understood from planning and other portals that providing the replacement windows closely match existing then no planning application was required. The references about this were copied to Mr Pinheiro.

The dormer windows are on the second floor and for the marginal difference of 1cm in frame width, do hope you consider this minor and that the window replacement is similar. Given that UPVC windows today are designed to be more robust and protective of heat loss than in the past, do ask that a 1cm differential be allowed.

There are numerous properties in St James Street with UPVC windows, which I have catalogued on my picture montage, as part of my submission, for which many are from the first floor upwards. Again, in most cases they are proportionately the same frame size given the size of glazing being held.

Apart from the degraded UPVC and misted up glazing the benefit of replacement is as follows;

Double glazing that is between 10-15 years old usually has a gap of around 6mm between the two panes of glass. This is significant because the smaller the gap, the less effective the window is at keeping heat inside the home. The gap on new double glazed windows, on the other hand, tends to be around 16mm. Therefore, thermal performance is significantly better.

To put this into context, uPVC windows built prior to 2007 won't have a Window Energy Rating (WER) higher than 'C'. Whereas, our uPVC casement windows can achieve ratings of 'A+'. Therefore, by choosing to upgrade, you'll be making your home considerably more energy efficient. Not only will this make your home more comfortable but there's a good chance it will knock down your energy bills too. Web site ref <https://kettellwindows.co.uk/blog/old-double-glazing-vs-new>

I also draw your attention to the councils own linked website portal at <https://interactive.planningportal.co.uk/detached-house/outside/windows-and-doors>

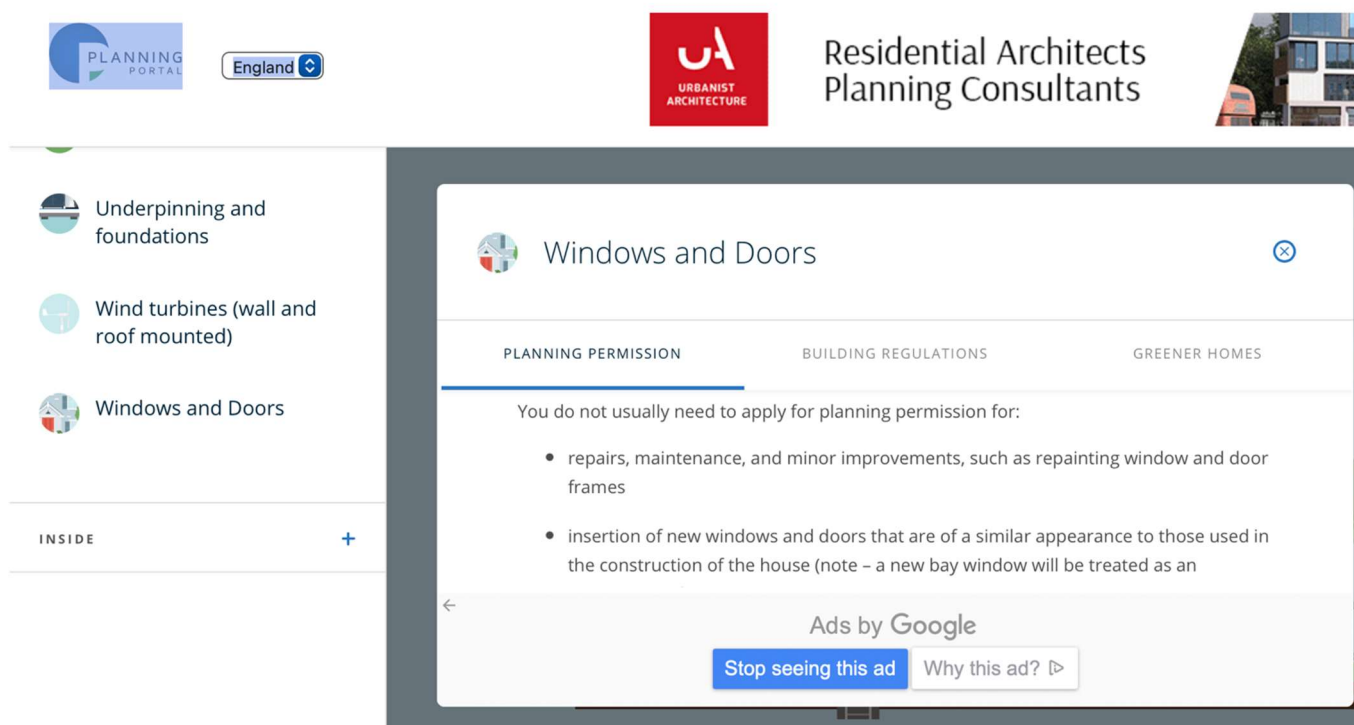
*It states; You do not usually need to apply for planning permission for:*

- repairs, maintenance, and minor improvements, such as repainting window and door frames
- insertion of new windows and doors that are of a **similar appearance** to those used in the construction of the house (note – a new bay window will be treated as an extension and may require permission)
- installation of internal secondary glazing.

*New roof lights or skylights will not normally require an application for planning permission as long as certain conditions are met (see link below or 'Roof Window' for details).*

*Occasionally, you may need to apply for planning permission for some of these works because your council has made an Article 4 Direction withdrawing permitted development rights. If you live in a listed building, you will need listed building consent for any significant works – internal or external and you should contact your local planning authority before starting work.*

### Screen grab of Planning Portal website page as at 29<sup>th</sup> April 2021.



The term similar and the terms used by Mr Pinheiro about being a close match indicate that what I have done is within the parameters of similar and a close match. There are numerous other websites giving advice that no PP is required when making such a change in an unlisted property in a conservation area that is not subject to a direction 4 notice, so long as it is similar.

If it is the case that you determine otherwise, then it is clearly misleading to me and the general public and can lead to unnecessary works, cost and stress.

The advice given by the council website portal and advice generally is misleading and should carry far greater warnings, as well as what is commented upon in the general marketplace about what you need PP for. Based upon advice from the council about this issue, then I will need to initiate legal proceedings against the council for any loss I suffer, including my application fee. I do strongly suggest in the meantime and in the interests of the public, you change your advice on the website portal and change your advice to the public, simply as it is wrong and misleading.

Further, it indicates on the portal shown above that occasionally you might need PP if you live in an area with an Article 4 direction or is a listed building. Neither apply, as stated in previous correspondence. Using the word **occasionally** makes one believe and give comfort that because neither restrictions apply then any marginal differences of the window being replaced is inconsequential, and is therefore also misleading.

The statements made by the council and Mr Pinheiro indicate to any reasonable person that you do not need PP, which is what I believe a judge would reasonably come to understand too. I believe that I can provide sufficient evidence to a judge to demonstrate that the windows are not dissimilar.

However, if it is the case that the planning department would approve of the existing windows, providing it has the central glazing bar installed, then I will seek to have this added. In addition, if it is the case that the addition of the trickle vent is objectionable then I will seek to have this removed. Although, in respect of the former there is evidence in the street that such glazing bars are not present, as shown in the picture montage on page 8 in particular.

#### Conclusion

It is my opinion that the 1cm differential on the frame to the side is minor and proportionate to the window as a whole, and very much unseen at the 2<sup>nd</sup> floor level by passers-by. That the replacement window does not detract from the appearance of the building or other buildings in the street and is a minor detail. That the property is amongst numerous others with UPVC from the first floor upwards in St James Street.

Bruce Gibson