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# Appeal Decision

Site visit made on 5 November 2012

**by Elizabeth Hill BSc(Hons), BPhil, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 November 2012**

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**Appeal Ref: APP/Q1445/A/12/2180218**  
**121-123 Davigdor Road, Hove, BN3 1DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr F Gjona against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/00381, dated 22 February 2012, was refused by notice dated 23 April 2012.
  - The development is an open sided canvas canopy.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area.

## Reasons

3. The development, which has already taken place, is a canopy over car parking spaces to an office building, used as a car wash on an industrial estate. The Council is treating the car wash use as a separate matter, which it considers is not dependent on the canopy, as it only provides shelter for the use.
4. The surrounding area consists generally of large commercial buildings with open service yards and car parking. The canopy is a large, flat, cantilevered canvas sheet, suspended from metal uprights and outriggers. Although it is a modern light structure suitable for its purpose, it is an incongruous feature within its traditionally-designed surroundings. The buildings on the industrial estate might not be of the highest design quality and there are other features such as burger vans, which detract from the quality of the local environment but the canopy is large and visually intrusive. The materials used are not found elsewhere on the commercial estate, which draws attention to the use and its incongruent nature, compared to surrounding development. Whilst the appellant says that there are canopies over car washes on commercial estates elsewhere in the country, there is nothing similar in the local area.
5. Policy QD2 of the Brighton and Hove Local Plan (2005) (LP) seeks to emphasise and enhance the positive qualities of local neighbourhoods, through taking into account local characteristics, including the height, scale, bulk and design of existing buildings, the background against which the development will take place and the layout of streets and spaces. Policy QD14 of the LP, mentioned in the reason for refusal, covers extensions and alterations but its details

appear to relate more to dwellings than other buildings. As the development is a canopy over car park spaces, this policy appears not to be applicable to it. Nevertheless, the development has a harmful effect on the character and appearance of the area, which is contrary to policy GD2 of the LP.

6. The appellant claims that the development is sustainable and that there should be a presumption in favour of its development under paragraph 11 of the National Planning Policy Framework (the Framework). However, paragraph 56 of the Framework says that good design is a key aspect of sustainable development and at paragraph 64 that permission should be refused for poorly designed development. Since it has been concluded that the design of the development fails to relate to its surroundings, it cannot be regarded as sustainable and the Framework supports the refusal of planning permission.
7. Other matters raised include a recent planning application for the change of use of the adjacent office block and the effect of the development on traffic on the industrial estate. However, these matters relate mainly to the car wash use, which is being dealt with separately, rather than the canopy.
8. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*E A Hill*

INSPECTOR