



## Appeal Decision

Site visit made on 27 November 2013

**by C J Leigh BSc(Hons) MPhil MRTPI**

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

**Decision date: 18 December 2013**

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**Appeal Ref: APP/Q1445/A/13/2202974**

**75 George Street, Hove, BN3 3YE**

- 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 Aidas Jonika against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00375, dated 7 February 2013, was refused by notice dated 8 April 2013.
  - The development proposed is described as 'retrospective application to remove existing and fit a new shopfront'.
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### Preliminary matters

1. The drawings submitted to the Council and refused permission indicated the installation of a shutter box behind the new fascia sign. One reason for refusing planning permission given by the Council was that no details had been provided the appearance of any external shutters that may be proposed. The appellant has made it clear in his appeal submission that the intention was not to install a shutter. They have submitted an amended drawing (CN559-601 Rev A) at the appeal stage which is annotated to state that is no installation of a shutter as part of the proposed development.
2. I agree I can accept this amended drawing at the appeal stage. It does not seek to modify the proposed development or add any new element of works; it merely confirms that something is not to take place. In addition, the description of the development as contained on the application form does not refer to the installation of a shutter and, with the development having been undertaken, the application form further states that the work is complete; that indicates further that the works to the building do not include a shutter. I therefore consider there is no prejudice to the interests of any party through the acceptance of this drawing. The fact that the Council have not objected to the submission of the drawing supports my view on this matter.
3. The works the subject of this appeal have been undertaken and completed. In light of the above comments I have therefore determined this appeal on the basis of seeking planning permission for the retention of the installation of a replacement shop front.

### Decision

4. The appeal is allowed and planning permission granted for the installation of a replacement shop front at 75 George Street, Hove, BN3 3YE, in accordance with the terms of the application, BH2013/00375, dated 7 February 2013, subject to the development being carried out in accordance with the following

approved plans: Location plan, CN559-101 Rev A, CN559-102 Rev A, CN559-600 & CN559-601 Rev A.

### **Main issue**

5. The main issue in this appeal is the effect of the development on the character and appearance of the surrounding area.

### **Reasons**

6. The shop front that has been installed is recessed, to provide a covered sitting out area. This creates an open appearance to the shop front that differs from others on George Street. However, this difference is not intrusive to the area. I saw at my site visit that there is a wide variety of shop fronts. These include many modern shop fronts, some of which have large set-back recessed areas that, although not the full width, nonetheless create a pattern of void areas along the road. There are more traditional shop fronts too, but with the diversity of frontages, it is clear to me there is no consistency in appearance along the road.
7. Furthermore, the appeal property itself is a modern building, whose use of materials, design and scale differs from the adjoining buildings and others along the road. The shop front relates appropriately to this building, with the recessed element of the development not leading to any sense of imbalance or intrusion.
8. I accept that the shop front does not follow detailed design guidance set out in the Council's Shop Front Design Supplementary Planning Document (SPD) 2005. However, the SPD makes it clear that contemporary designs will be accepted provided they have regard to the wider context. For the reasons given above I consider the design acceptable in the context of the building and the street.
9. It is therefore concluded on the main issue that the shop front is not harmful to the character and appearance of the surrounding area, and so would be consistent with the general objectives of that seek a high standard of design in all new development that respects the surrounding area, including with shop fronts, as set out in Policies QD1 and QD10 of the Brighton & Hove Local Plan 2006. There would also be no conflict with the thrust of the SPD.
10. For the reasons given, and having regard to all other matters raised, the appeal is allowed. The Council have not suggested any conditions in the event of the appeal being allowed. Since the shop front has been installed I consider the only necessary condition to be one specifying the approved drawings in order that the development shall be carried out in accordance with the approved drawings, including the use of the materials as shown. This is also for the avoidance of doubt and in the interests of proper planning.

**C J Leigh**

INSPECTOR