
Appeal Decision

Site visit made on 24 June 2014

by L Gibbons BA (Hons) MRTPI

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

Decision date: 14 July 2014

Appeal Ref: APP/Q1445/A/14/2218661
Jack Wills, 55 East Street, Brighton BN1 1HN

- 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 B Chan (Jack Wills) against the decision of Brighton & Hove City Council.
 - The application Ref BH2104/00488, dated 14 February 2014, was refused by notice dated 15 April 2014.
 - The development proposed is the existing white shopfront to be removed and replaced with a new black timber shopfront, new illuminated fascia sign to be installed, new projecting sign to be installed and new window graphics to be installed.
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Decision

1. The appeal is allowed and planning permission is granted for the existing white shopfront to be removed and replaced with a new black timber shopfront, new illuminated fascia sign to be installed, new projecting sign to be installed and new window graphics to be installed at Jack Wills, 55 East Street, Brighton BN1 1HN, in accordance with the terms of the application BH2014/00488, dated 14 February 2014, subject to the development being carried out in accordance with the following approved plans: 0637/00.1/; 0637/00.2/; 0637/02/ and 0637/04/A.

Procedural Matter

2. At the time of my visit, the development had taken place and is in accordance with the plans as submitted. For the avoidance of doubt, I shall determine the appeal on the development as carried out.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Old Town Conservation Area.

Reasons

4. The appeal site is located within the Old Town Conservation Area. The area has strong links to the early development of Brighton, before its growth into a seaside resort. East Street is a busy retail area, which is partially pedestrianised. Many of the buildings are of an older style, including the appeal site, although there are some modern buildings.
5. The shopfront has already been installed. I understand that the shopfront that it replaced may not have been original. I also note that the Council do not

object to other elements of the design including the use of materials and colour. They also indicate that some elements, including the recessed doorway represent an improvement on the previous shopfront and on the basis of my site visit and evidence before me, I see no reason to disagree. However, the Council refer to the height of the stall riser, which is below the height of the typical traditional stall riser, being unacceptable.

6. I have been referred to the Supplementary Planning Document 02: Shopfront Design (SPD). This includes guidance on the design of stall risers within Conservation Areas and includes references to the height of traditional stall risers being over 450mm to 700mm, but noting that some may have a shallower depth than others.
7. There is a wide variety of shopfronts on East Street, some are modern in design. This is matched by the variation in stall riser height, some of which are significantly shorter than that of the appeal property, indeed the stall riser as installed at No 55 is comparable in height to a number of nearby shopfronts. The height of the stall riser does not detract from the overall design of the shopfront and does not draw the eye. It matches the proportions of the rest of the shopfront and respects those of neighbouring properties. I consider that overall, the shopfront blends in well with the general appearance of the streetscene and this weighs heavily in favour of the development.
8. I conclude that the shopfront preserves the character and appearance of the Old Town Conservation Area. It is not in conflict with Policy QD10 of the Brighton and Hove Local Plan 2005, which amongst other things seeks replacement and alterations to shopfronts that preserve or enhance the special appearance or character of conservation areas. It is also not contrary to the general thrust of the SPD.

Conclusion and conditions

9. The Council have not suggested any conditions in the event of the appeal being allowed. Since the shopfront has been installed I consider, for the avoidance of doubt and in the interests of proper planning, the only necessary condition is one specifying that the development shall be carried out in accordance with the approved drawings, including the use of materials as shown.
10. For the reasons given above, and having regard to all other matters raised and subject to the condition set out above, the appeal is allowed.

L Gibbons

INSPECTOR