



Appeal Decision

Site visit made on 19 January 2015

by Grahame Gould BA MPhil MRTPI

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

Decision date: 13 February 2015

Appeal Ref: APP/Q1445/A/14/2228936

31 Upper St James's Street, Brighton BN2 1JN

- 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 Miss Zena Trow against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/02060, dated 20 June 2014, was refused by notice dated 22 August 2014.
 - The development proposed is 'installation of 3 swan neck lights above existing shop front fascia'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The lights subject to the appealed application have been installed and I have therefore determined the appeal as being for development that has been implemented.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the appeal premises (No 31) and the East Cliff Conservation Area (the CA).

Reasons

4. No 31 is a three storey, mid terrace property, with an attic, which is occupied as an estate agent's office on the ground floor with residential accommodation on the upper floors. No 31 is situated within a mixed commercial and residential area, with the ground floor premises to the east and west being in commercial use. Upper St James's Street is in the middle of the CA, which has a mixed use character.
 5. The three swan neck lights have been installed just above No 31's timber fascia, which is of a traditional design, and I consider that these lights have a cluttered and unsympathetic appearance, given the comparatively narrow width of the premises. I find that this development detracts from No 31's appearance and that of the streetscene and thus the CA.
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6. Within the vicinity of No 31 the shop fascias are illuminated by a variety of means, including strip lights, down lighters and the occasional swan necks. The other swan necks drawn to my attention the Council submits do not benefit from planning permission. Notwithstanding the presence of these other swan necks, I am required to consider the appeal scheme on its own merits, which is what I have done.
7. I therefore find that the appeal development detracts from the appearance of No 31 and has failed to preserve or enhance the appearance of the CA and as such there is conflict with the objectives of Policies QD10 and HE6 of the Brighton and Hove Local Plan. I also find there to be conflict with the Council's supplementary planning document for advertisements (SPD07), insofar as the installation of swan neck lights is discouraged within CAs.
8. While I have concluded that the appeal development is harmful to the appearance of the CA, the designated area is extensive and the appeal development only affects a small part of it. Accordingly the harm caused to the Conservation Area's significance as a heritage asset is 'less than substantial' as defined in the National Planning Policy Framework (the Framework) at paragraphs 132 to 134. Nevertheless there is no public benefit that outweighs the harm to the CA I have identified such as to warrant allowing this appeal under the provisions of the Framework.

Conclusion

9. For the reasons given above I conclude the appeal should be dismissed.

INSPECTOR

Grahame Gould