



# Appeal Decision

Site visit made on 7 December 2009

by **David Prentis BA BPI MRTPI**

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

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**Decision date:**  
**16 December 2009**

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## Appeal Ref: APP/Q1445/A/09/2107574

### Smart News, 33 Sydney Street, Brighton, Sussex BN1 4EP

- 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 Tariq Gamil against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00429, dated 21 February 2009, was refused by notice dated 7 May 2009.
- The development proposed is installation of ATM cash machine.

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue is the effect of the proposal on the character and appearance of the North Laine Conservation Area.

### Reasons

3. The conservation area is characterised by an irregular grid of closely spaced streets lined with terraced buildings. Many of the streets contain a mix of shops and other businesses resulting in a busy and lively atmosphere. Sydney Street, which is predominantly a shopping street, is typical of this character. There are numerous examples of traditional shop fronts which are an attractive element of the street scene. Moreover, by providing views into the various shop units they maintain an active frontage thereby contributing to the vibrant character of the conservation area.
4. The appeal property is a shop unit and planning permission was granted for a replacement shop front in 1995. Although the shop front is not a particularly good example, it nevertheless has the essential elements of a traditional shop front including a stall riser, recessed doorway and corbel brackets at either end of the fascia. The unit has a relatively narrow frontage and, prior to the installation of the cash machine, the main shop window was a single pane about 2.5m in width.
5. The cash machine had been installed at the time of my visit, occupying approximately one third of the width of the main shop window adjacent to the recessed doorway. In my opinion it is out of scale and dominates the shop front to an unacceptable degree. Moreover, it significantly reduces views into the retail space from the street thereby eroding the active frontage which is characteristic of the street scene.

6. The appellant argues that the cash machine provides a useful community service which supports other businesses in the locality. However, the North Laine Community Association points out that there are several alternative facilities nearby. I therefore attach little weight to this factor. The appellant suggests that the shop front could be redesigned but I shall consider the appeal on the basis of the plans which are before me.
7. I consider that the proposal introduces an uncharacteristic and unduly dominant feature into the street scene and I conclude that it fails to preserve or enhance the character or the appearance of the conservation area. The proposal is therefore contrary to Brighton and Hove Local Plan 2005 Policy QD10, which states that alterations to shop fronts should respect the style and proportions of the parent building and surrounding shop fronts, and to Policy HE6 which seeks to preserve or enhance the character or appearance of conservation areas.

*David Prentis*

Inspector