



Appeal Decision

Site visit made on 4 October 2010

**by M A Champion BSc CEng FICE
FIStructE FCIHT FHKIE**

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

The Planning Inspectorate
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**Decision date:
7 October 2010**

Appeal Ref: APP/Q1445/A/10/2133017

Build Center, 19 Bristol Gardens, Brighton, BN2 5JR.

- 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 Wolseley UK Ltd against the decision of Brighton & Hove City Council.
- The application ref: BH2010/01047, dated 7 April 2010, was refused by notice dated 21 June 2010.
- The development proposed is: racking in the rear yard of Build Center.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies in a predominantly residential area where Policies QD1 and QD5 of the Brighton & Hove Local Plan 2005 deal with the quality of design and street frontages. It is located on the northern side of Bristol Gardens, and comprises a builders' merchant's yard set back behind the frontage properties. Owing to the curvature of Prince Regent's Close the rear part of the western side of the site fronts onto this road.
4. The proposal has constructed racking used for storage along the western elevation of the main building on the site. It has four levels of storage and projects above the eaves of the building to a height of 5.0 metres, some 0.5 metres lower than the ridge.
5. Although there were some materials stored on the top level at the time of my visit, this level was generally empty and those materials could have been accommodated in the vacant spaces on the lower levels. Both the Council officer's report and photographs submitted by the appellant and a third party indicate that the top level of the racking was empty on those occasions. While I cannot be certain that this would necessarily be the case at all times, it does suggest that the top level is largely unused.
6. Owing to its set back from Bristol Gardens and the narrow access way therefrom, which reduces visibility from this road, I consider that it does not have a significant impact on this street scene.

7. However, having regard to the length and height of the racking seen against the backdrop of the existing building, it is, in my opinion, a dominant structure whether viewed from within the site or the street in Prince Regent's Close.
8. The main building is a steel clad single storey industrial structure. While its clean lines and plain colour enable the racking to be seen clearly against it, I do not consider that the racking, which itself is industrial in character, adversely affects the building.
9. Nevertheless, I observed that the racking is highly visible from Prince Regent's Close and that materials stored on the top level significantly increased its bulk, further detracting from the street scene.
10. While I acknowledge that such racking is a normal feature of builders' merchants' yards, in this instance its height and storage at high level result in a dominant structure that adversely affects the street scene in Prince Regent's Close, contrary to Policies QD1 and QD5.
11. A neighbouring resident expresses concern at the increased number of vehicles using the site since the racking was installed and the resulting increased intensity of operation. The Council does not object in this respect. While the number of vehicles may have increased, a degree of noise is to be expected in any urban area, particularly from a commercial enterprise such as a builders' merchant's yard where vehicle movements, loading and unloading, and movement of stock are all part of the normal operating pattern of the business. I do not consider that any increase in the level of noise resulting from the development is likely to be significant.
12. Another resident states that the racking is likely to result in security of employment for those working in the yard. While this may be so, no evidence has been presented to demonstrate that the absence of the racking would render their jobs any less secure. In any event I do not consider that this is sufficient to overcome the objection in terms of the main issue.
13. I conclude, therefore, that the proposal would adversely affect the character and appearance of the street scene in Prince Regent's Close, contrary to Policies QD1 and QD5.

M A Champion

INSPECTOR