



Appeal Decision

Site visit made 16 March 2011

by Doug Cramond BSc MRTPI

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

Decision date: 11 April 2011

Appeal Ref: APP/Q1445/A/10/2143013 17-19 St. James's Street, Brighton BN2 1RF

- 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 Tze Ting Mok against the decision of Brighton and Hove Council.
 - The application Ref BH2010/01305, dated 4 May 2010, was refused by notice dated 10 September 2010.
 - The development proposed is the installation of shutters to entrance.
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Decision

1. I allow the appeal, and grant planning permission for the installation of shutters to entrance at 17-19 St. James's Street, Brighton BN2 1RF in accordance with the terms of the application, Ref BH2010/01305, dated 4 May 2010, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 08241/100; 120A; 140 & 190.

Procedural Matter

2. I use the Council's description of development above which is more concise than on the application form.

Main Issue

3. I consider the main issue to be the effects on the character and appearance of the host property and the locality.

Reasons

4. The site lies within the East Cliff Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Brighton and Hove Local Plan (LP) includes Policy HE6 which reflects S72(1) and goes into specific detail on, amongst other things, the
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- need for high standards of design and detailing, careful use of materials and finishes and townscape protection generally.
5. The appeal property is a 3 storey building set in a local shopping high street and the shop frontage at ground floor bears little relation to the building above. The shop frontage has large windows at the back edge of footway at either side of a central entrance area with doors which lie back beyond two pillars creating a covered area open to the street. The proposal is to provide security shutters to prevent entrance to this area in front of the doors. The shutters would be aluminium lattice, painted dark blue to match the fascia. The roller shutter housing would be positioned within the existing bulkhead and would not be visible in external views to the front elevation.
 6. There is an unequivocal request from the Inspector in charge of Neighbourhood Policing for the city of Brighton to the appellant to install security shutters. The pertinent email explains the problems for the police, staff, local residents and passers-by of begging, drinking, anti social behaviour and sleeping in this entrance area particularly when the store is closed. I give this request substantial weight not least because it can be seen in the context of LP Policy QD2 which seeks to minimise the opportunities for crime and LP Policy QD8 which is concerned with shopshutters and the special circumstances that can appertain where there is Police support for their installation.
 7. The Council has produced a Supplementary Planning Document on Shop Front Design (SPD) and whilst fitting internal security shutters or demountable or removable grilles are preferred options to the approach before me the Council itself recognises these are not practicable approaches here. The scheme is not for the more solid external roller shutter which understandably is frowned upon in the SPD. Roller grilles are deemed to be acceptable on occasion where, amongst other matters, box housing is concealed, grilles and components are colour finished to match the main shopfront, no architectural features would be obscured and grilles must not cover pilasters (pillars in this case). This describes the proposal.
 8. It is hard to see what else the appellant can do especially as this is not about security of the store. Shutters have been proposed which would be secreted away during day time, would be in accord with the SPD on shutter design and would be limited in size such that the extensive glazing to each side would remain uncovered.
 9. There are few comparable doorways along this stretch of the shopping street and most shop fronts can remain without shutters at night. Furthermore I consider that approval of this proposal would not represent a precedent or be at odds with decisions taken on other premises of different form or for shutters of different types. In an ideal world a shop front being started from scratch might not have such an entrance area but this is not the situation before me and it would be unrealistic economically to expect the appellant to make major alterations in that direction when the present shop front stands sound and functional.
 10. In any event I consider that the shutters as proposed would not be harmful to visual amenity taking into account their relative scale, siting, fixing and

design of grill. The scheme would not run contrary to LP Policy HE6. The appearance of the Conservation Area would be preserved and there is an argument that its character as a shopping street, mixed use area and thoroughfare would be enhanced by the creation of safer and more pleasant environs for most people at certain times of the day and night. I see no conflict with LP Policy QD10 which is concerned with shopfronts and seeks to ensure, amongst other matters, that alterations are respectful of the main structure, are in proportion, do not interrupt architectural details and in are accord with an overall design strategy for the whole shopfront. There would be no harm to the visual quality of the shopfront itself or the remainder of the building above.

Conclusion

11. For the reasons given above I conclude that the appeal proposal would accord with the development plan and not run contrary to the aims of S72(1) of the Act; it would not have an unacceptable adverse effect on the character and appearance of the host property and the locality. Accordingly I shall allow the appeal.

Conditions

12. No conditions are specifically suggested by the principal parties. I consider that in addition to the standard commencement condition it would be appropriate for there to be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning. These plans are fully detailed in all regards.

Doug Cramond

INSPECTOR

