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## Appeal Decision

Site visit made on 4 May 2017

**by Grahame Gould BA MPhil MRTPI**

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

**Decision date: 22<sup>nd</sup> May 2017**

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**Appeal Ref: APP/Q1445/W/16/3164217**

**Brighton Rock Cafe, Arch 302 Kiosk, Madeira Drive, Brighton, BN2 1PS**

- 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 C Heal of CA Heal and Sons Amusements Limited against the decision of Brighton and Hove City Council.
  - The application Ref BH2016/02723, dated 20 July 2016, was refused by notice dated 20 October 2016.
  - The development proposed is extension and alteration to the existing kiosk building to provide a first floor level with servery at pavement height on Madeira Drive.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the East Cliff Conservation Area (the CA).

### Reasons

3. The development would involve the construction of an additional storey to the 'Brighton Rock Café (the café), making the resulting building two storeys in height. The existing building is accessible from the lower (beach) level of Madeira Drive and forms part of a group of seafront kiosks.
4. The landward side of Madeira Drive comprises a pedestrian and cycle promenade and the vehicle carriageway, which collectively form a middle terrace level between the beach and Marine Parade, the main thoroughfare set at a higher level. The site is within the extensive mixed use CA, which includes the beach, the promenade and residential and commercial premises on and to the north of Marine Parade. The promenade dates from the late Georgian/early Victorian period<sup>1</sup>.
5. The transition between Madeira Drive's promenade and beach levels is relatively uncluttered with, for the most part, only the railings and street lighting columns marking the extensive linear change in levels. The raising of the café so that it would be accessible at both pavement and beach levels would result in a building projecting above the promenade's level. The isolated nature of the projecting additional storey at the change of levels

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<sup>1</sup> As explained in the Conservation Area Study and Enhancement Plan of 2002

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between the beach and promenade would leave this development with an appearance that would be uncharacteristic of the promenade's streetscene.

6. It has been submitted that the planning permissions recently granted for the replacement Volk's railway station and the new zip wire provide a justification for the café being extended in the way sought. However, the Volk's railway is a tourist attraction dating back to the Victorian period and serves its own unique beach side purpose. I therefore consider that the construction of the new station is not directly comparable with the café extension. The zip wire, while including a comparatively tall helter skelter type structure, will be a unique tourist and leisure attraction for this part of the city's seafront, which is likely to become a landmark in its own right because of its scale, rather like the former Brighton Wheel and the i360. I am therefore of the opinion that the extension of the café sought cannot be viewed as being comparable with the zip wire.
7. I recognise that the café is in an area that the Council has identified as being in need of regeneration. However, the area's regeneration I would expect to be planned on a comprehensive basis and I consider that the appeal scheme would be a piecemeal form of development that would be disrespectful of the established pattern of development on the promenade. I also consider that the extension of the kiosk would only make a very modest contribution to the area's wider regeneration. The existing café, and its attendant signage, is of no particular architectural merit, and the development would result in this building's appearance being improved. However, I consider that the improvement in the building's appearance would not outweigh the harm to the promenade's appearance arising from this piecemeal development.
8. While the new railway station and the zip wire will have their own cafés and it has been submitted that their operation might affect the café's viability, no financial evidence relating to this matter has been provided. I therefore attach very limited weight to this aspect of the appellant's case.
9. I therefore conclude that the kiosk extension would neither preserve nor enhance the appearance of the CA. There would therefore be conflict with saved Policy HE6 of the Brighton and Hove Local Plan of 2005 and Policies CP12 and CP15 of the Brighton and Hove City Plan Part One of 2016. That is because the extension would not reflect the pattern of development or townscape in the area and would thus fail to preserve or enhance the CA's appearance. I also consider that there would be some conflict with the City Plan's policy for the seafront, Policy SA1, because the development would not contribute to the seafront's regeneration in an integrated and coordinated manner.
10. The CA's character in land use terms would, however, be preserved because the development would be in keeping with the recreational and tourism activity in this heritage asset.
11. The harm to the significance of the CA would be less than substantial when considered within the context of paragraphs 133 and 134 the National Planning Policy Framework. However, I am of the opinion that there would be no public benefits to the CA that would outweigh the harm to this heritage asset I have identified.

## **Conclusions**

12. I have found that the extension would neither preserve nor enhance the appearance of the CA. While there would be some economic benefits associated with this development, I find those benefits to be outweighed by the harm to the CA I have identified. The harm that I have identified could not be overcome by the imposition of reasonable planning conditions and I therefore conclude that this would be an unsustainable form of development. The appeal is therefore dismissed.

*Grahame Gould*

INSPECTOR