



Appeal Decision

Site visit made on 28 July 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/Q1445/W/20/3248765

144 Mackie Avenue, Brighton BN1 8SB

- 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 Sean Coleby of AC Tax Services against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/03720, dated 18 December 2019, was refused by notice dated 13 February 2020.
 - The development proposed is replacement of existing single glazed shopfront to office with double glazed shopfront to improve energy efficiency and comfort levels within office. This will include reduction of area of glass, inclusion of means of ventilation and replacement with insulated wall to reduce heat loss and solar gain.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. 144 Mackie Avenue forms part of a parade of neighbourhood shops, some of which are now in different commercial uses. Although some changes have taken place over the years as detailed in the appellants appeal statement, in my view the ground floor frontages still display a sense of unity with solid stall risers, large glazed windows with high level transoms, and fascia boards. Three of the frontages also retain decorative glazing in all or part of the window above the transom, including two of the three windows to the property subject of this appeal. Each window is framed by a rendered surround with plain dentil moulding at the top.
4. The proposed frontage would exhibit almost none of these features. It would introduce domestic scale windows in place of the existing full height windows. These windows would have a horizontal emphasis rather than the vertical proportions of the existing windows. The plinth would be lost, becoming part of the plain rendered surround, and there would be no high level transom or decorative glazing. As a result, the proposed frontage would appear discordant and at odds with the other frontages in the parade, to its overall visual detriment.

5. I understand the appellant's wish to improve working conditions and security. However, I see no reason why a more secure and energy efficient frontage cannot be achieved that complements rather than contrasts with the appearance of the frontages in the parade.
6. As a consequence of the disparity between the proposed alterations and the existing style and pattern of frontages in the parade, I conclude that the development would harm the character and appearance of the area, and would therefore conflict with policies QD10 and QD14 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One, which promote good design and require shopfront alterations to respect the style of the parent building and surrounding shopfronts.

Other Matters

7. The appellant points out that there have been no neighbour objections to the proposal. While that may be the case, the absence of objection from third parties does not overcome the harm that I have identified to the character and appearance of the area.
8. My attention has also been drawn to email correspondence between the appellant and the Council's case officer, which says that the officer's report was drafted up for approval. While that may have been the intention of that particular officer, it is the case that planning permission was refused by the Council, for the reason set out in its decision notice. I appreciate why the appellant is dissatisfied that the view initially expressed by the Council officer was not carried through to the Council's decision, but that is a matter for the Council, and not one that is material to my decision.

Conclusion

9. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR