
Appeal Decision

Site visit made on 12 January 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/Q1445/W/20/3253763

51 Norfolk Square, Brighton BN1 2PA

- 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 Medeni Galip against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00784, dated 10 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is described as 'changing existing windows with bi-fold windows'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of proposed development shown on the appellant's appeal form in the heading above because it is more concise than that shown on the planning application form. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the Montpelier and Clifton Hill Conservation Area (the CA).

Reasons

4. The buildings within the CA are predominantly terraced and display architecture that provides a varied and highly attractive townscape. The appeal property is a ground floor restaurant & cafe which is within a pleasing 4 storey terrace that includes other commercial uses at ground floor. The property has a traditional shopfront, including timber framing and mouldings, and its appearance is similar to the adjacent shopfront at No 52 Norfolk Square. The shopfront reflects the historic context of the host building and provides an attractive appearance which contributes positively to the character and appearance of the CA.
5. The proposal would replace existing traditional architectural details, including the central mullion, glass panes and timber mouldings, with modern bi—folding windows that would have a stark, unadorned appearance. The proposed shopfront would provide little visual interest and it would appear at odds with the character and architectural style of the host building. It would therefore be

harmful to the character and appearance of the CA. Given the small scale of the proposal, I find that the degree of harm to the CA would be less than substantial.

6. Paragraph 193 of the National Planning Policy Framework (the Framework) states that “great weight should be given to the [designated heritage] asset’s conservation”. In accordance with paragraph 196 of the Framework, any harm should be weighed against the public benefits.
7. I appreciate the appellant’s comments with regard to the need for ventilation for customers when the weather is sunny. Nevertheless, there are likely to be alternative solutions available to deal with direct sunlight, such as the use of blinds, and I therefore attach limited weight to this consideration. The public benefit of the proposal would not outweigh the harm to the designated heritage asset, and it would therefore be contrary to the historic environment policies contained within the Framework.
8. I therefore conclude that the proposed development would be harmful to the character and appearance of the host building and the CA. The proposal would conflict with saved Policies QD10 and HE6 of the Brighton and Hove Local Plan 2005 and Policy CP15 of the Brighton and Hove City Plan Part One 2016, which seek to preserve or enhance the character or appearance of conservation areas.
9. I have had regard to the appellant’s reference to other shopfronts in the area. I am not aware of the planning history of those premises and this would not justify the harm to the host building and the CA which I have identified. I have nevertheless determined the appeal scheme on its own planning merits.

Conclusion

10. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR