



Appeal Decision

Site visit made on 17 August 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Q1445/W/23/3314940
159 - 162 Kings Road Arches, Brighton, BN1 1NB

- 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 Laine Pub Company against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/03285, dated 18 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the replacement of existing timber windows with timber bi-fold doors at first floor.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing timber windows with timber bi-fold doors at first floor at 159 - 162 Kings Road Arches, Brighton, BN1 1NB in accordance with the terms of the application, Ref BH2022/03285, dated 18 October 2022, 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: Location Plan 01, Proposed Drawing 02A, and Heritage Statement V2.
 - 3 Notwithstanding the above condition 2, the works hereby permitted shall not take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the proposed doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
 - 4 The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority: a) samples/details of the bi-fold door frames. b) samples/details of the bi-fold door glazing. c) samples details of the bi-fold door fixing method and components. Development shall be carried out in strict accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and locality.

Reasons

Character and appearance

3. The appeal property is known as The Tempest Inn and occupies four arches, two of which have two doors and multi-paned glazing above, under Kings Road. It is part of the historic brick structure supporting the upper prom and highway. The arches, occupied by individual businesses, extend along the seafront and form the backdrop to beach level activity. The continuous façade of repeating arches with moulded plaster surrounds, and piers with profiled capitals, is a distinctive characteristic along the lower prom and contributes to the visual qualities and heritage interest of this often very vibrant area. The appeal proposal is as described above.
4. The site lies within the Old Town 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. It is also pertinent that the window locations involved lie below the upper-level Grade II listed railings. Section 66(1) of the 1990 Act sets out the need to have special regard to the desirability of preserving the setting of a listed building.
5. The thrusts of S72(1) and S66(1) are, amongst other matters, included in Policy CP15 of the City Plan Part One (CP). At the same time Policy DM26 in the City Plan Part Two (CP2) follows the relevant leads of the 1990 Act and amongst other matters calls for materials and finishes to respect their locality. CP Policies SA1 and CP12 are also pertinent to the case in that they seek to secure high quality development along the sea front specifically and generally conserve or enhance heritage assets and achieve quality architecture. In parallel, CP2 Policies DM15, DM18 and DM21, taken together and amongst other matters, encourage commercial operations subject to appropriate scale and design, call for appropriate materials and architectural detailing, and require alterations to be complementary with the host building and locality. The Council has also published 'SPD12' which looks in detail at design guidance for alterations and explains the process for achieving good quality alterations and has subsections on creating suitable replacement windows including on buildings or in areas of heritage interest.
6. I noted that there are considerable variations of glazing patterns within the relevant stretch of arches. Notwithstanding this, what I observed was that the arches themselves by reason of their form, decoration and contrast of materials are what strikes the eye and brings valuable rhythm and harmony to the scene. The glazing arrangement now proposed seems to me to be thoughtfully planned and following broadly the vertical emphasis of the existing glazing. I appreciate it would not have the depth of reveal of the existing glazing but given what I say about the prominence of the arches themselves I consider that the aesthetic quality or striking features of a single or multiple arches would not be lost through this relatively subtle glazing being positioned further forward.

7. The Council is particularly concerned about the situation when these doors are in the open position as they would project beyond the façade. However, this lower prom row has multiple projections of a permanent or temporary nature and yet it is still the arches which if not physically, then visually, stand proud. Outwardly open doors here, when weather conditions allow, will not diminish the principal architectural features of this frontage. They will not impact upon the setting of the listed railings and they will be of benefit to the business and the customers on warm days and help the continued suitable commercial use of these premises. They would be an appropriate adaption of historic premises in a move towards meeting current wishes and without harming the very fabric and heritage which contributes greatly to making the host building and locality so interesting in the first place.
8. In my opinion the principal aesthetic quality of the row of arched structures would continue unharmed, this specific discreet appeal scheme would be neutral in terms of immediate and wider character and appearance, and there would be no impact upon the setting of the listed railings.
9. Given all of the foregoing I conclude that the proposal would not conflict with the development plan policies which I cite in paragraph 5 or the purposes of SPD12. It would also not run contrary to the aims of S66(1) and S72(1) of the 1990 Act.

Conditions

10. The standard commencement condition is appropriate along with a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. I would agree with the Council, and I note that the Appellant is content, that given the importance of protecting heritage assets there should be information and detail provided beyond that presently available. I shall apply the Council's two suggested conditions in this regard.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the host property or the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR