

Appeal Decision

Site visit made on 26 September 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/Q1445/Z/24/3340246

22 St James's Street, Brighton, East Sussex, BN2 1RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Adrian Bristow against the decision of Brighton and Hove City Council.
 - The application Ref is BH2023/00815.
 - The development proposed is Alterations to shopfront (Part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit works had commenced at 22 St James's Street. These works appear to be in accordance with the plans before me; however, for the avoidance of doubt I have considered the proposal based on the submitted plans.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area; including whether or not the proposed development would preserve or enhance the character or appearance of the East Cliff Conservation Area.

Reasons

4. The appeal property is a ground floor commercial premises located on a busy street and is surrounded by a variety of other similar buildings which appear to have commercial units at ground floor level and residential above. The property is within the East Cliff Conservation Area (CA) and is also located opposite a Grade II listed structure ('Numbers 107 - 111A and Attached Railings, St James's Street').
5. The area is characterised by its commercial nature and its appearance as a traditional shopping street. Shopfronts are largely of a traditional design with areas of glazing with modest proportions and detailing and muted tones.
6. The proposal is for alterations to the shopfront to replace the original white painted timber framed windows with units with a red aluminium frame with

double glazing and safety glass. The proposed shop front would comprise a large singular pane of glass at the front of the projecting bay window with smaller panes to each side.

7. The shopfront would appear as an expanse of glazing with little detailing or articulation and would fail to reflect the traditional design or proportions of the previous shopfront or others nearby. Consequently, the shopfront would be at odds with other shopfronts in the area which have smaller individual panes or elements of visual interest and detail to break up the glazing.
8. The bright colour and modern materials of the proposed shopfront exacerbate its incongruous nature and draw further attention to the differences between this shopfront and others in the area.
9. For the reasons set out above, the proposal would cause harm to the character and appearance of the appeal property and the wider area. Therefore, the proposed development would fail to preserve or enhance the character or appearance of the CA and would cause harm to the setting of the nearby listed structure. Due to the scale and nature of the proposed development, the harm to the heritage asset would be less than substantial.
10. The approach in the National Planning Policy Framework (the Framework) is that where a proposal would lead to less than substantial harm to a heritage asset, as in this case, that harm should be balanced against the public benefits of the proposal.
11. I accept that the original timber window frame may not have been in a good state of repair and required replacing. I also note that the replacement shopfront was installed with the intention of increasing energy efficiency, safety and security. However, in my view, the shopfront could be replaced and the enhancements could be achieved through alternative schemes which would not cause harm to the host building and to the wider area.
12. On the other side of the balance, I have identified that the proposal would fail to preserve or enhance the character or appearance of the area and as such would not meet the statutory requirements set out in s72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and would cause harm to the significance of the heritage asset. The Framework indicates that great weight should be given to a heritage asset's conservation. Accordingly, the public benefits of the scheme do not outweigh the harm identified.
13. I therefore conclude that the proposal would cause harm to the character and appearance of the building and the CA. Consequently, the proposal would conflict with Policy CP15 of the City Plan Part One - Brighton and Hove City Council's Development Plan, March 2016 (CPP1) and Policies DM21 and DM26 of the City Plan Part Two - Brighton and Hove City Council's Development Plan, October 2022 (CPP2). Amongst other things these policies seek to ensure that new development demonstrates a high standard of design, raises the standard of architecture and design in the city and conserves or enhances the city's built heritage including conservation areas.
14. The proposal would also fail to accord with CPP2 Policy DM23 which relates specifically to shopfronts and states that permission will be granted for a new,

replacement or altered shop front provided that it respects the scale, style, proportions, detailing, materials and finish of the parent building and surrounding buildings. The policy goes on to state that in conservation areas shop front proposals must preserve or enhance the special architectural and historic interest of the area or building and good quality traditional shop fronts or surviving elements must be retained and where necessary restored.

Other Matters

15. I acknowledge that the proposal relates to a small, franchised business in its first year of trading and accept that closing the business whilst remedial works take place would have the potential to cause financial harm. However, though I understand the concern this will cause the appellant, these matters are not planning concerns for consideration as part of this particular appeal and would not outweigh the harm I have identified.

Conclusion

16. The proposed development would fail to accord with the development plan. There are no other material circumstances which indicate that planning permission should be granted. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR