
Appeal Decision

Site visit made on 28 October 2024

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 2nd December 2024

Appeal Ref: APP/Q1445/W/24/3349993

La Tana, 47 Ladies Mile Road, Brighton BN1 8TA

- 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 A Shokouhfar against the decision of Brighton & Hove City Council.
 - The application Ref BH2024/01208, dated 16 May 2024, was refused by notice dated 23 July 2024.
 - The development proposed is the installation of a single-storey powder coated aluminium framed structure with glazing to existing outdoor seating area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the structure on the character and appearance of the street scene and (ii) whether the structure results in noise and disturbance to neighbouring occupiers.

Reasons

Character and appearance

3. The single storey glazed conservatory type structure on the front elevation of No 47 Ladies Mile Road, 6.9 m wide, 3.7 m deep and 3.0 m high, has already been constructed. The ground floor of the premises, at the eastern end of a local shopping parade, is occupied by La Tana, an Italian restaurant. Next to No 47 there is an access way to a garage behind, beyond which lies Patcham Methodist Church. There is a recreation ground opposite.
4. The shopping parade is traditional in appearance, of two storeys, with a range of retail and commercial uses at ground floor level and other uses, probably flats, above. The various premises are uniformly set back behind a wide private forecourt, and this format is also followed by the two shorter shopping parades which face each other across Ladies Mile Road to the west on the opposite side of the Mackie Avenue/Winfield Avenue crossroads.
5. In the context of this traditional local centre and at the end of the otherwise uniform parade the bulky and flat roofed glazed structure forms a discordant, over-prominent and intrusive addition to the street scene. It completely covers the previous shopfront and projects out below the fascia of the property, obscuring it from view. In addition, the structural material, a grey powder coated frame, does not reflect the predominantly brick and tile character of the

overall parade. The structure also extends out towards an enclosed bus shelter. Whilst sufficient space is left for pedestrians to pass through the gap, the awkward relationship of the two structures adds to the incongruity of the restaurant extension in its setting. When in use after dark the glazed front extension also has an odd illuminated appearance compared to the shop fronts along the rest of the parade.

6. The extension does not relate visually to Patcham Methodist Church either as notwithstanding some dark detailing this is situated within its own enclosure of brick piers and railings and is separated from No 47 by an access way.
7. The extension replaced an open air sitting out area laid out on the forecourt in front of the building which was enclosed by heavy duty removable planters and covered by an awning. This structure was in place for several years. However, the conservatory style extension extends out further than the previous structure and being fully enclosed and 3.0 m high is considerably larger and more prominent in the street scene.
8. The appellant draws attention to the permission granted¹ for a similar single storey glazed front extension to a shop at 1 Park Road not too far away, indeed the structure is slightly bigger than that the subject of this appeal. However, the premises concerned do not form part of a uniform linear parade of shops but a single unit angled back at about 45° from the three shop premises in the main building. The extension as seen in the view along Park Road is thus not as prominent as in this case. In addition, the original (now extended) unit is single storey, clearly a later adjunct to the main building rather than part of a continuous linear two-storey parade as here. As such, despite some similarities, the extension at 1 Park Road is not directly comparable to the extension at No 47.
9. For these reasons the glazed extension structure results in significant harm to the character and appearance of the street scene. The structure conflicts with Policies DM18 and DM23 of the City Plan Part Two 2022 which require a high standard of design, responding positively to the urban grain and local context, and require replacement shop fronts to respect the scale, style, proportions and materials of the parent building and surrounding buildings.

Noise and disturbance

10. The Council argue that the extension may not have adequate sound insulation leading to potential noise disturbance for the occupiers of adjacent property. However, the space either side appears unused and any noise nuisance is likely to be lower than when the previous open air seating area was in place.

Conclusion

11. The extension provides additional all-year round seating which enhances the restaurant business and provides economic benefits. However, these factors are outweighed by the visual impact on the street scene and the associated conflict with the development plan. The appeal should therefore be dismissed.

David Reed

INSPECTOR

¹ Reference BH2023/01942