



Appeal Decision

Site visit made on 16 February 2010

by **Frances Mahoney** DipTP MRTPI IHBC

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
3 March 2010

Appeal Ref: APP/Q1445/A/09/2116160 75-79 East Street, Brighton, BN1 1NF

- 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 CHF (UK) Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00316, dated 10 February 2009, was refused by notice dated 6 May 2009.
- The development proposed is the removal of the existing glass doors and block up existing openings. Fixing of Formica cladding panels to front elevation only.

Decision

1. I dismiss the appeal.

Procedural matter

2. I saw at my site visit that the front street elevation of the building had been covered in a maroon coloured cladding with a wide black fascia board and a ramp up to the main door. It was clear to me, however, that the detail of the front elevation was not the same as that shown on the plans now the subject of this appeal. For the avoidance of doubt I confirm that my determination of the appeal is based on the drawings submitted and not on the works as constructed.
3. I also note that negotiations between the appellant and the Council are on-going to seek a resolution to the design of the restaurant frontage. However, I am charged with determining this appeal on the basis of the documentation and plans submitted and therefore, I shall deal with this appeal accordingly.

Main issue

4. I consider the main issue in this case is whether the proposed restaurant front would affect the character and appearance of the existing building and linked to that, whether the character or appearance of the Old Town Conservation Area would be preserved or enhanced.

Reasons

5. The appeal site stands at the corner of East Street and Pool Valley, in a particularly prominent site within this part of the Conservation Area. The building was built in the early part of the 20th Century as a cinema and is a landmark building close to the sea front. It contrasts with the more modest

- scale, close-knit, traditional development of shops and businesses close by in this part of the historic Old Town.
6. In the 1920s the Savoy Cinema, as it was known, was a building of elegance and grandeur. Its distinctive curving frontage onto East Street is of particular note. It continued in use as a cinema up until the 1990s. The submitted photographs of the building show how its condition had deteriorated in the intervening period up until 2001 when it was a sad reflection of its former glory. Restoration work then ensued, which revitalised the front façade of the building including strongly echoing the form and character of the original windows at first floor level and above with intervening panels. In addition the three door openings on the ground floor, so obviously features of the original cinema were maintained. To some extent the grandeur and elegance of the original building has been re-established and its use as a restaurant along with other commercial uses elsewhere in the building has brought, what appeared to be a rather sad building, back to life.
 7. In my view this is a building of particular note within the Conservation Area, being prominently located, retaining the character and appearance of its 1920s Picture House origins. Whilst not being specifically recognised in terms of its historic or architectural value, its stature and design makes an important contribution to the character and appearance of the Conservation Area.
 8. However, this appeal proposes the application of red cladding panels to the curving front ground floor elevation. The cladding would cover over all surfaces of the restaurant frontage other than 3 of the original cinema double door openings. Of these door openings, the two side doors are proposed to be removed and glazed over.
 9. The proposed red cladding would present a strident, unsympathetic colour finish in an insensitive material which would dominate the façade of the building, detracting from and undermining the benefits of the recent restoration at first floor level and above. The proposed cladding would unacceptably harm the character and appearance of the immediate locality of the appeal site where its character is firmly rooted in the historic, traditional buildings and layout of the Old Town. The introduction of such a brash and overbearing front façade would neither preserve nor enhance the character or appearance of the Old Town Conservation Area.
 10. The removal of the two pairs of double doors on either side of the front of the restaurant, I also find to be an unacceptable erosion of the character and appearance of the building. The 3 sets of doors in combination with the curved front and 1920s detailing were an expression of the buildings original use. Even with the property being occupied by a restaurant, the character and appearance of this prominent corner building in the Conservation Area still asserts the grandeur and style of a by-gone age of motion picture houses.
 11. In my view, the removal of the two side sets of double doors would serve to diminish the character and appearance of the building within the street scene, whilst neither preserving nor enhancing the character or appearance of Conservation Area. I see no reason why these doors could not be retained and fixed shut to limit access to the restaurant via the central pair of doors whilst still maintaining views into the restaurant. No evidence has been submitted to
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suggest these doors present a particular security problem for the building. In the absence of such evidence I am confident that a way could be found to introduce to these doors the level of security the appellant desires.

12. In conclusion, the appeal proposal represents a prominent, unsympathetic form of development which would detract from the character and appearance of the existing building; and would neither preserve nor enhance the character or appearance of the Old Town Conservation Area. Therefore it would be contrary to *Brighton & Hove Local Plan* saved policies HE6, QD5, QD10 and QD14 which reflect the requirements of the legislation and national guidance in this regard, and seek to ensure that new development is of a high quality design which will successfully integrate into its context.

Frances Mahoney

INSPECTOR

