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# Appeal Decisions

Site visit made on 15 November 2010

**by Joanna C Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 6 December 2010**

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## **Two Appeals at 55 Western Road, Hove, East Sussex BN3 1JD**

- The appeals are made by Sainsbury's Supermarkets Limited against the decisions of Brighton & Hove City Council.
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### **Appeal A Ref: APP/Q1445/A/10/2128171**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The application Ref BH2009/03112, dated 21 December 2009, was refused by notice dated 12 March 2010.
  - The development is alterations to shop front, including insertion of ATM together with associated advertisement signage and installation of screened and enclosed plant.
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### **Appeal B Ref: APP/Q1445/H/10/2128211**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The application Ref BH2009/03111, dated 21 December 2009, was refused by notice dated 22 March 2010.
  - The advertisement proposed is display of 2 no. internally illuminated fascia signs & 1 no. internally illuminated projecting sign.
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### **Decision: Appeal A Ref: APP/Q1445/A/10/2128171**

1. I dismiss the appeal.

### **Decision: Appeal B Ref: APP/Q1445/H/10/2128211**

2. I dismiss the appeal.

### **Appeal A**

#### **Main issue**

3. The main issue is the effect that the development has on the character or appearance of the Brunswick Town Conservation Area.

#### **Reasons**

4. The appeal site is within the Brunswick Town Conservation Area which is characterised by its Regency and early-Victorian planning and architecture. The formality and order of the many classical buildings contribute in a positive way to the character and the appearance of the Conservation Area. The appeal building, which includes flats on the upper floors and shop units at ground floor level, is stated to date from about the 1930s. Its imposing neo-classical proportions and art deco detailing complement the scale and character of the nineteenth-century buildings in the locality, and thus, the building contributes positively to the character and the appearance of the Conservation Area. The

- original shop fronts would have respected the ordered appearance of the appeal building. However, some later unsympathetic replacement shop fronts have eroded this quality, and they detract from the character of the building.
5. The appeal premises include 2 adjacent ground floor shops. The development includes replacement shop fronts which have been installed. The Council do not object to the installation of the screened plant or to the installation of an automated teller machine (ATM) in the shop front. I see no reason to disagree.
  6. As the appeal site is within a conservation area, I shall take account of the statutory duty in section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended. The Development Plan includes the saved Policies of the *Brighton & Hove Local Plan 2005* (LP). Saved LP Policy QD5 seeks an interesting and attractive frontage at street level for pedestrians. Saved LP Policies QD10 and HE6 reflect the thrust of the statutory duty. The Council's *SPD02: Supplementary Planning Document: Shop Front Design* (SPD02) advises that well designed shop fronts which respect the proportions and architecture of the buildings above them, whilst retaining their own individual style, give shopping streets rhythm and harmony without monotony.
  7. The pilasters on each side and between the 2 shop units have been retained, but the proportions of the frames and glazing in each of the 2 shop fronts differs. The wide sliding door, whilst improving the accessibility of the shop, disrupts the rhythm of the mullions in one shop front, and the whole frame has a substantially deeper head to accommodate the sliding gear. Its minimal set back fails to adequately define the entrance, but draws attention to the unsympathetic proportions of the door. Thus, the 2 shop fronts have an inharmonious appearance which detracts from the character, proportions and generally consistent detailing in the upper floors of the appeal building. The fascia is not as deep as the similarly deep fascias on 5 of the 10 shop units in the frontage. This adds to its unsympathetic appearance. The appellant says that there are only 3 recessed entrances in the present frontage. However, the development has removed 2 recessed entrances from what is now a frontage of 8 shops including 2 double units. The sliding door at Tesco on the opposite side of the street is recessed so its circumstances differ from the development in this appeal. Thus, the development harms the character and appearance of the appeal building. In consequence, it fails to preserve or enhance the character or appearance of the Brunswick Town Conservation Area.
  8. My attention was drawn to the range of shop fronts in the locality, including 54 Western Road where there is no fascia at all. I have little information about them, and some may predate current Development Plan policy, so they are not very helpful to me in this appeal which I have dealt with on its merits. I note that the depth of fascia suggested by the Council is not defined by policy. However, in the absence of good reasons to do otherwise, the commonsense approach would be to harmonise with the proportions of the majority of the existing fascias in the same frontage in this historic Conservation Area. These include the adjoining and recently approved fascia at 57 Western Road, rather than those at 53 and 58 Western Road, referred to by the appellant, which are further away.
  9. I consider that the development harms the character and the appearance of the Brunswick Town Conservation Area. It is contrary to saved LP Policies QD5, QD10 and HE6, and national policy in Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5), as well as the advice in SPD02.

## **Appeal B**

### **Reasons**

10. The description on the application form is "alterations to shop front, including insertion of ATM together with associated advertisement signage and installation of screened and enclosed plant". As the Council's description on their decision notice more accurately describes the proposed advertisements, I have used it in the heading above.
11. The *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* require that decisions made under the Regulations are made only in the interests of amenity and public safety. Section 54A of the *Town and Country Planning Act 1990* as amended, which has been replaced by section 38(6) of the *Planning and Compulsory Purchase Act 2004*, does not apply to advertisement appeals. I shall therefore have regard to the Development Plan as a material consideration in this appeal.
12. The Council have raised no concerns about public safety. The Council do not object to the proposed illuminated projecting sign, but its precise siting is not clear. I agree with those views.
13. There are temporary fascia signs at the site. The proposed fascia signs would differ in depth from the recently permitted fascia signs at 50 and 51 Western Road, and at 57 Western Road. Because the fascias would be shallower they would fail to respect the consistent depth of fascias that contributes to the cohesiveness of the shop frontage, and to the character and appearance of the appeal building.
14. The internally illuminated fascia at 55 Western Road would be a bulky addition which would project in front of the pilasters, which are important architectural features. This would damage their positive contribution to the integrity and character of the appeal building. Because of its large scale and its bulk, the internally illuminated canister lettering on the fascia at 56 Western Road, would be a strident and garish addition which would harm the ordered character and appearance of the appeal building. As the means of illumination for the advertisements on the 2 adjacent fascias would differ, the advertisements would also have an inconsistent character and appearance which would damage the uniformity in the appeal building. In consequence, these advertisements would fail to preserve or enhance the character or appearance of the Brunswick Town Conservation Area.
15. The corrosive effect of salt-laden seaside air and the ease of maintenance and cleaning are not sufficient reasons to allow these harmful signs. I consider that the proposed fascia advertisements would harm amenity. They would also be contrary to saved LP Policies HE9 and QD12, national policy in PPS5, and the guidance in the Council's *SPD07: Supplementary Planning Document: Advertisements*.

### **Conclusions: Appeals A and B**

16. For the reasons given above and having regard to all other matters raised, the appeals fail.

*Joanna C Reid*

INSPECTOR

