



Appeal Decision

Site visit made on 1 October 2013

by Kenneth Stone BSc(Hons) DipTP MRTPI

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

Decision date: 23 October 2013

Appeal Ref: APP/Q1445/A/13/2193569

Gourmet Burger Kitchen, 45 - 46 Gardner Street, Brighton BN1 1UN

- 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 Jonathan Cope (Gourmet Burger Kitchen) against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03796, dated 27 November 2012, was refused by notice dated 29 January 2013.
 - The development proposed is the removal of the existing soffit light fittings on the underside of the large projecting canopy and replacement with new soffit light fittings mounted on the underside of the large projecting canopy.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing soffit light fittings on the underside of the large projecting canopy and replacement with new soffit light fittings mounted on the underside of the large projecting canopy at Gourmet Burger Kitchen 45 - 46 Gardner Street, Brighton BN1 1UN in accordance with the terms of the application, Ref BH2012/03796 dated 27 November 2012, and the plans numbered 12009/101 rev P2 and 12009/102 rev P2 submitted with it.

Procedural matter

2. The proposed light fittings were in place at the time of my site visit.

Main Issues

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the North Laine Conservation Area.

Reasons

4. The appeal premises, a restaurant, form part of a larger 1960's building accommodating a variety of uses including the Komedia club (an entertainment venue), and a coffee shop. The site is located in the North Laine Conservation Area which derives much of its special character from the network of narrow Victorian streets fronted by traditional terraced properties from the 19th century. The area has a vibrant and lively character emphasised by the use of bright colours and quirky advertising on a number of premises. The appeal building is somewhat at odds with the surrounding buildings and wider conservation area given its bland 1960's architecture and lack of detailing.

5. The canopy on the appeal building is the most prominent forward element in the street and does not sit comfortably within it. From longer views the light fittings are not readily visible during daylight hours although they become significantly more apparent in the evening when illuminated. The present building canopy, by virtue of its substantial projection, contrasts with the immediate environs of the street and the wider conservation area. There are other elements of illumination on the underside of the canopy for the adjacent users and therefore I do not see the illumination of this area per se as being a significant concern. Indeed it adds to the general vibrancy and activity which is characteristic of the wider area.
6. The number of bulbs and the fact they sit proud of the underside of the canopy are part of the design approach that has been adopted and one which seeks to celebrate the location much like many of the ways in which properties in the area are decorated. In this regard I find that the proposed light fittings are reasonably in keeping with and do not detract from the character and appearance of the building or surrounding area.
7. Given this reasoning and it is undisputed that the building has been identified in the North Laine Conservation Area Study (adopted 1995) as a building which detracts from the character of the area I further conclude that the installation of light fittings does not affect the significance of the heritage asset.
8. As a consequence the development would thereby preserve the character and appearance of the conservation area. The proposal does not therefore conflict with policies QD5, QD10, QD14 or HE6 of the Brighton and Hove Local Plan 2005 which respectively seek to present interesting and attractive shop frontages which respect the parent building and are generally well designed thereby preserving or enhancing the conservation area. This is consistent with the Framework in particular with regard to achieving good design and seeking to conserve and enhance the historic environment.
9. There are presently a number of alternative methods of illuminating the underside of the canopy by each of the other occupiers and whilst it is undoubtedly the case that this would appear more attractive if a coherent approach was adopted that does not weigh against my finding in favour of the appeal scheme such that permission should be withheld.

Conclusions and conditions

10. I have considered the suggested conditions in the light of Circular 11/95 and, given the development has already occurred the standard time limit condition is not required. In addition a condition restricting the times of use is not necessary given there is no dispute regarding any impact of the lighting on the living conditions of those living nearby.
11. For the reasons given above I conclude that the appeal should succeed.

Kenneth Stone

INSPECTOR