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## Appeal Decision

Site visit made on 13 January 2014

**by L Gibbons BA (Hons) MRTPI**

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

Decision date: 6 February 2014

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**Appeal Ref: APP/Q1445/A/13/2206615**

**Paris Cafe Bar, 7 Fenchurch Walk, New England Quarter, Brighton, East Sussex BN1 4GX**

- 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 Mrs Sarah Danhard against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02182, dated 1 July 2013, was refused by notice dated 23 August 2013.
  - The development proposed is the installation of a side smoking shelter adjacent to Paris Cafe.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the host property and surrounding area.

### Reasons

3. The appeal property is a ground floor retail unit within a modern residential building. The surrounding area is a relatively new development with a mix of retail and residential uses. The appeal site occupies a prominent corner position and faces towards an open area below which acts as a focal point for residents and shoppers. Fenchurch Walk slopes steeply down from the east past the appeal site towards the open area.
4. Key elements of the building are its simple design, the fascia board above the windows which gives interest to the main elevations of the unit and the white walls above which are part of the residential element of the building. The roofs are also a particularly striking feature of the residential buildings and I note that the design of the shelter seeks to replicate this. I also accept that the height of the roof is necessary in order to promote the flow of smoke away from the building. In addition, the shelter is proposed to be constructed of modern materials and would provide a smaller footprint than that of a previous application (BH2013/01089). There is also no dispute that there is a demand from customers for such a facility.
5. However, the three arches of the barrel-vaulting would be set close together, with a steeper curve than the roof of the main building and in my opinion this

- would appear cramped and would look out of place when compared to the original roof design of the main building. Although small in scale in comparison to the main building, it seems to me that the design of the arches would draw the eye making the structure appear very noticeable. Furthermore, the roof of the proposed shelter would partly obscure the fascia board, and as the arches rise above the unit they would be visible against the white walls. As a result of its height and shape of the roof it would look out of place against the simple design of the retail unit and the rest of the building and would draw the eye.
6. Moreover, the roof and supports of the proposed shelter would be visible from a number of locations, including from the open area and in longer views from the east looking towards the station building, from outside the appeal property in Fenchurch Walk and from Kingscote Way. From these views it would appear as an incongruous addition to the area surrounding the appeal property which remains relatively uncluttered, retaining the majority of its original features. Against that background, the argument that the proposed shelter would add interest to the area carries little weight; it would be in direct contrast to the relatively unaltered design of the development and would be visually intrusive.
  7. For these reasons I conclude that the appeal proposal would cause harm to the character and appearance of the host property and the surrounding area. It would conflict with policy QD14 of the Brighton and Hove Local Plan 2005 which amongst other things seeks to ensure that extensions and alterations are well designed in relation to the property and the surrounding area. It would be contrary to the provisions of the National Planning Policy Framework relating to the need for high quality design.
  8. In coming to my view I have considered the appellant's suggestion that this type and design of shelter is commonplace throughout the County. However, I have not been provided with any further information and must in any event determine the appeal on its own merits.

*Other matters*

9. I note that there is no objection from Sussex Police and that the Council considers that the proposed shelter meets the required environmental health standards, nevertheless these do not outweigh the harm I have found in respect of character and appearance.

*Conclusion*

10. For the above reasons and having regard to all other matters including the concerns raised by a neighbour in relation to air and noise pollution, the appeal is dismissed.

*L Gibbons*

INSPECTOR