



Appeal Decision

Site visit made on 27 February 2014

by **C J Leigh BSc(Hons) MPhil MRTPI**

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

Decision date: 18 March 2014

Appeal Ref: APP/Q1445/A/13/2206573

38 Ship Street, Brighton, BN1 1AB

- 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 Clare Douglas against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01666, dated 23 May 2013, was refused by notice dated 25 July 2013.
 - The development proposed is a new Automatic Telling Machine (ATM) to the front elevation.
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Procedural matters

1. The content of the Planning Practice Guidance has been considered but in light of the facts in this case the Guidance does not alter my conclusions.

Decision

2. The appeal is dismissed.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the Old Town Conservation Area, within which the appeal site lies.

Reasons

4. The premises the subject of this appeal lie within a street with an attractive character of buildings and shop fronts having a predominately traditional character and form; although there is a modern shop front to the north, that is an exception and somewhat divorced from the character of Ship Street since it turns the corner into North Street and more obviously forms part of the character to that street. The shop front at the appeal premises is of a good quality and, together with its nearby neighbours along Ship Street that similarly have a traditional character, is a positive feature to the locality. It therefore plays a positive role in the Old Town Conservation Area.
5. The proposed development would see the removal of a pane of glazing and the installation of an ATM. This would introduce an unattractive and unwelcome feature in the shop front by creating a disruption in the existing consistent facade and a void through the bulky design of the ATM. This would be readily visible in the wider area and would appear jarring, with an imbalance created to the group of properties within which the appeal site lies. The fact that the frame of the glazing would not be altered does not change the visual impact

and disruption to the shopfront that would arise. Clear harm would be caused to the character of the street.

6. I note the appellant's reference to a planning permission granted by the Council at a property in Trafalgar Street, which included the installation of an ATM. I note, though, that the development permitted in that instance was for the installation of a new shop front along with the relocation of an ATM machine, rather than the insertion of an ATM machine into an existing traditional shopfront, as is the case in the current appeal. The two cases are thus not directly comparable; I have determined this appeal on its own merits and my findings remain unaltered by the facts of the other case.
7. My conclusion on the main issue is therefore that the proposed development would be harmful to the character and appearance of the surrounding area. This would be contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan 2005, which grants planning permission for alterations to existing buildings if, amongst other matters, they are well designed in relation to the property and the surrounding area, and where the character and appearance of a conservation area is preserved or enhanced. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR