

## Appeal Decision

Site visit made on 17 May 2016

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 24 June 2016

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### Appeal Ref: **APP/Q1445/W/16/3142844** **74 East Street, Brighton BN1 1HQ**

- 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 Peter Bennett of The Laine Pub Company against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03348, dated 15 September 2015, was refused by notice dated 21 December 2015.
  - The development is the erection of metal railings to south of public house.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Brighton and Hove City Plan Part One (the City Plan) has been adopted since the appeal was submitted. However, the policies referred to in the Council's decision notice have been saved. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.
3. The railings have been installed; therefore I was able to view them in place at the time of my site visit.

### Main Issue

4. The main issue is whether the railings would preserve or enhance the character or appearance of the Brighton Lanes and Old Town Conservation Area.

### Reasons

5. The host property, a pub known as The Fishbowl, is a corner property set at the junction of East Street and Pool Valley, and lying within the Brighton Lanes and Old Town Conservation Area (the CA). The CA has a range of residential and commercial uses, but a consistent architectural quality from the dominant civic buildings through the main roads and pedestrian walkways to the seafront area, where impressive period apartment blocks and hotels still dominate.
  6. It was evident at my visit that the appeal property had undergone external refurbishment. The frontages remain brick at ground level, but the first and second floor green painted render has been repainted black. Similarly, the railings, the subject of this appeal, were grey, these have also been painted black.
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7. The railings run the full length of the side of the property and enclose an area of pedestrian highway along Pool Valley. Tables and chairs are placed within the enclosure and the railings both physically and visually project on to the highway of Pool Valley.
8. The properties fronting both East Street and Pool Valley have a strong building line. There is a general absence of enclosures to the frontages of premises along these streets, and indeed the wider area of the old town. I also noted on site that many of the retailers along Pool Valley place tables and chairs outside their premises on the highway during trading. These seating areas are informal and temporary.
9. Although railings are a feature present within the CA, these in general form part of larger buildings, such as, the Town Hall and hotels. In the main, the existing railings are set on plinths and are connected by a top rail with finials on top. In many cases the railings serve to enclose sunken basement areas or form part of the integral features of the building. There are also railings along the sea front, but these are of a very particular design and purpose.
10. I observed on site that the railings subject to this appeal are fitted to a bottom rail and comprises panels of railings set between regularly spaced posts that are fixed to the ground. Both the railings and posts are of a light weight modern design when compared to the examples noted above.
11. It was clear to me that the railings are of a permanent nature and would not be moveable without necessitating operational works. Although the applicant has suggested a willingness to accept a condition detailing how the railings can be removed, they are clearly intended to be a permanent installation and such a condition would serve little purpose.
12. The railings, as a result of their appearance to the side of the host property and their projection on to the public highway do not respect the street scape and strong building line along Pool Valley. The railings therefore, detract from the frontage appearance of the host property and the local street scene and do not reflect the existing character and appearance of this part of the CA.
13. For the reasons given above, I conclude that the railings neither preserve or enhance the CA.
14. Given the size and scale of the proposal within the conservation area as a whole, I consider there would be less than substantial harm to the character and appearance of the Brighton Lanes and Old Town Conservation Area. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefit of the proposal. Although the railing enclosure may facilitate an increase in the number of patrons to the public house, the benefit to the public, in my view, would be minimal, and insufficient to outweigh the harm identified. I conclude therefore that the railings would fail to accord with national policy.
15. I appreciate that the Highway Authority are reported to have invited their installation and that they had no objections to them. However, I have considered the wider effects of the railing over and above highway or licensing matters. The benefits that the railings may bring about in respect of the operational management of the premises, including the safety or security of

patrons or the demarcation of a smoking or licensed area do not, in my opinion, outweigh the harm identified above.

16. For these reasons I conclude that the railings are out of keeping with the area and introduce an alien feature to this part of the CA. The proposed development is harmful to the character and appearance of the property, the wider street scene and the CA. The proposal conflicts with Policies QD14 and HE6 of the Brighton and Hove Local Plan July 2015 and Policy CP15 of the City Plan. It further conflicts with the design guidance within the adopted Supplementary Planning Documents 09<sup>1</sup> and 12<sup>2</sup>. These policies and guidance seek, amongst other matters, a consistently high standard of design and detailing reflecting the scale and character or appearance of the areas, including the layout of the streets, development patterns, building lines and building forms within conservations areas.

### **Conclusions**

17. For the reasons given above I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR

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<sup>1</sup> Architectural Features

<sup>2</sup> Design Guide for Extensions and Alterations

