



Appeal Decision

Site visit made on 12 September 2008

by **J A B Gresty MA MRICS**

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

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Decision date:
23 October 2008

Appeal Ref: APP/Q1445/A/08/2068168 **99 North Road, Brighton BN1 1YE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
- The appeal is made by ASA Consortium Ltd against Brighton & Hove City Council.
- The application, Ref BH2007/04427, is dated 20 November 2007.
- The development proposed is change of use of first and second floors from retail (A1) to offices (B1), infill extension at second floor level on Vine Street elevation, insertion of new window at first floor North Road elevation, new shop front.

Decision

1. I allow the appeal, and grant planning permission for change of use of first and second floors from retail (A1) to offices (B1), infill extension at second floor level on Vine Street elevation, insertion of new window at first floor North Road elevation, new shop front at 99 North Road, Brighton BN1 1YE in accordance with the terms of the application, Ref BH2007/04427, dated 20 November 2007, and the plans (Drawing No 1171-SK01 Revision B and No 1171-SK02) submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The external finishes of the development hereby permitted shall match the material, colour, style, bonding and texture of the existing building.
 - 3) The development hereby permitted shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been implemented and made available for use. These facilities shall thereafter be retained for use at all times.
 - 4) The development hereby permitted shall not be occupied until details of secure cycle parking facilities have been submitted and approved in writing by the Local Planning Authority. Prior to occupation of the development these facilities shall be implemented in full and made available for use and shall be retained for use at all times.
 - 5) No vehicular deliveries shall be taken at or despatched from the property between the hours of 9 pm and 7 am on Mondays to Saturdays or at any time on Sundays or Bank Holidays.
 - 6) Prior to the start of works, details of joinery including 1:20 sample elevations and 1:1 joinery profiles of the shop front shall be submitted to and approved in writing by the Local Planning Authority. The scheme

shall be implemented in accordance with the agreed details and maintained as such thereafter.

- 7) Notwithstanding the details shown on the approved plans, details of the proposed entrance door to the shop from North Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained thereafter in accordance with the approved details.
- 8) The development shall be implemented in accordance with the Waste Minimisation Statement contained in the Planning, Design and Access Statement accompanying the application.

Procedural Matter

2. The Council has confirmed that it would have approved the application had it issued its decision before the expiry of the statutory time limits. Accordingly the Council does not object to the appeal proposal.

Main Issue

3. I consider the main issue in this case to be whether the proposed development would preserve or enhance the character or appearance of the North Laine Conservation Area.

Reasons

4. The appeal property is a two and three storey building situated on the corner of North Road and Vine Street and is in the North Laine Conservation Area. A notable characteristic of this part of the Conservation Area is its variety of style and size of buildings and the mixture of residential and commercial uses. Until recently the appeal property had been occupied as a shop with associated storage.
5. The proposal includes the extension of the building to infill the gap at second floor level between the appeal property and the adjoining property on Vine Street. Whilst this gap provides a variation in heights of the buildings that provides some visual interest to the street, the extension would not replicate the decorative moulding of the host building and it would be a visually distinct extension that would maintain the variation in appearance of the front elevations of the properties on Vine Street, maintaining the variety of style of buildings that is a characteristic of the area. Policies QD1 and QD2 of the Brighton & Hove Local Plan 2005 (LP) are general design policies that seek to ensure that new development is well designed and takes into account local characteristics including height, scale and architectural detailing. I consider that the extension would meet the requirements of these policies.
6. The properties on Vine Street are mostly terraced and I consider that the proposed infilling at second floor level would not have a significant effect on Vine Street with regard to the terraced appearance of the street. The development would, therefore, accord with LP Policy QD14 which, amongst a number of criteria, requires extensions to retain an appropriate gap between buildings to prevent a terracing effect where it would be detrimental to the character of the area.
7. LP Policy QD10 requires shop front proposals in conservation areas to preserve

or enhance the special appearance or character of the area. The proposed new timber shop front, with equally-proportioned windows and lower stall-risers, would be more in keeping with the style of the host building than the existing shop front and would therefore meet the aims of LP Policy QD10 by enhancing the appearance of the area.

8. LP Policy QD3 seeks the efficient use of development sites. The proposed development would make efficient use of an existing site whilst both maintaining and improving the appearance of the host building. Consequently, I consider the proposed mixture of office and retail use would be in keeping with the character of the locality. Overall, I conclude the development would preserve and enhance the character and appearance of the North Laine Conservation Area.

Other Matters

9. The building is close to existing commercial properties and, whilst the existing retail use of the ground floor would be maintained, I concur with the Council that the office use would be unlikely to generate significant noise that would be a disturbance to nearby residents. Accordingly the proposal would be in keeping with the aims of LP Policy QD27.
10. The Council indicates and I accept that there is a need for small office units in this part of Brighton and that the proposed scheme would contribute towards meeting this demand. Consequently the proposed scheme meets the aims of LP Policy EM4 which indicates that planning permission will be given for business uses where, amongst a number of criteria, there is a demonstrable need.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Conditions

12. In order to ensure the satisfactory appearance of the development I impose conditions requiring the external surfaces of the extension to match the appearance of the existing building (2), for details of the design of the new shop front (6) to be submitted to and approved by the Council and for the provision of refuse storage and recycling facilities (3). Further, the design of the proposed new door onto North Road does not complement the host building so I impose a condition (7) requiring detailed plans of the door to be submitted to and approved by the Council. Although the site is in a location close to public transport I impose a condition (4) requiring the provision of cycle storage as indicated by LP Policy TR14. In order to prevent disturbance of nearby residents I impose a condition (5) limiting the times when vehicular deliveries to and from the site can be made. Finally, I impose a condition (8) to minimise construction waste from the development of the site as encouraged by LP Policy SU13.

J A B Gresty

INSPECTOR

