

Appeal Decisions

Site visit made on 20 February 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 24 February 2017

Appeal A Ref: **APP/Q1445/W/16/3163571**

74 East Street, Brighton BN1 5HQ

- 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 BH2016/02506, dated 5 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is described as: "the installation of a retractable awning to south side elevation (part retrospective)".
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Appeal B Ref: **APP/Q1445/H/16/3163524**

74 East Street, Brighton BN1 5HQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Peter Bennett of The Laine Pub Company against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02505, dated 5 July 2016, was refused by notice dated 26 September 2016.
 - The advertisement proposed is described as: "display of externally-illuminated painted sign, internally-illuminated high level sign and non-illuminated awning (part retrospective)".
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Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. The appellant submitted a single application form seeking planning permission and consent to display advertisements under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisement) Regulations 2007. The application form described the proposal as: "display of painted sign on the front elevation, an internally illuminated high level sign to the side elevation and a retractable awning with logo to the side elevation and the fixing of the awning to the wall".
 3. The Council determined the application by issuing a split decision in relation to the proposal as a whole, approving only the painted sign on the front elevation. It refused consent for the high level internally illuminated sign and the awning. It also refused planning permission for the awning. For the sake of clarity in these linked appeals I have used the descriptions of the proposals set out on the Council's decision notices in the headings to these decisions.
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4. I note that the appellant suggests that the proposals benefit from deemed consent. However, as the appeal follows an application for express consent and, in the relation to the awning an application for planning permission, I have determined the appeals on the basis that express consent is sought for the illuminated sign and planning permission is sought for the awning. In relation to Appeal B I am not dealing with the externally illuminated sign which already has express consent.

Main Issue

5. The main issue in relation to both appeals is whether or not the awning and internally illuminated sign would preserve or enhance the character or appearance of the Old Town Conservation Area.

Reasons

6. The East Street Tap is a public house in the Lanes area of central Brighton. It occupies a prominent location on the corner of East Street and Pool Valley within the Old Town Conservation Area. In assessing both appeals I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area.

Appeal A: Retractable awning

7. On my site visit I saw that the awning was already in place, although at the time it was not open. The windows on the southern elevation of the building are important features that contribute to its character. The ground floor has three sash windows with a traditional 4x4 glazing arrangement. Above them at first floor level are two smaller windows with ornate leaded lights. All the frames are painted black.
8. By contrast the frame to the awning is a cream coloured metal structure that spans the width of the three ground floor windows. It is attached to the building just below the first floor windowsills and its proximity to them detracts from the appearance and interest of these windows. The awning itself is also cream, but is a much larger addition to the building, even when retracted. Its scale, folds and curved shape are bulky additions to the southern elevation that are totally out of keeping with its appearance. Considered together, the awning and its frame fail to respect the historic and architectural characteristics of the existing property, including its modest-sized, front facing bay windows. As a consequence, the southern elevation of the building looks cluttered. The awning and its frame also appear to be alien and intrusive features in the wider street scene.
9. When open, the awning would be a significant projection into the street that would dominate the southern elevation of the building. Its depth would result in the ground floor windows being largely obscured from view by passers-by. The outward projection of the awning would also breach the building line in Pool Valley. Its siting already effectively obliterates the Pool Valley street sign. This combination of factors would adversely affect the appearance of the building and its setting. In addition there are railings that surround a small area immediately to the south of the pub. With the awning open these two features would create an entirely enclosed outside space for private use. This would be out of character with the open street frontages that are typical of the Lanes area.

10. It has been suggested that the curves of the awning reflect the domes of the Royal Pavilion which is some 250m to the east. However, there are no visual connections between the East Street Tap and the Royal Pavilion which is located in the Valley Gardens Conservation Area rather than the Old Town Conservation Area. There is therefore no justification for making a link between the appeal proposal and the features of the Royal Pavilion.
11. From what I have seen and read there was no convincing evidence to demonstrate that 'Dutch' style awnings are a common feature of commercial premises within the Old Town Conservation Area. On the contrary, the Council has resisted 'Dutch' blinds with rounded edges as a matter of principle since 2005. Policies to that effect have been in place and applied accordingly for many years. This approach is based on the premise that 'Dutch' blinds are not a traditional feature of the city's shopping streets and are difficult to incorporate into a well-designed shop front. The same difficulties arise when attempting to integrate the awning into the side elevation of the pub, so there is no justification for making an exception in this case.
12. The desire of the appellant to provide cover for customers outside the building when the weather is poor is not a reason to permit something that would result in permanent harm to the character or appearance of the Conservation Area.
13. Taking all these factors into consideration, I conclude that the awning is harmful to the character and appearance of the host property and the surrounding area. It therefore fails to preserve the character or appearance of the old Town Conservation Area and is unacceptable. It is contrary to the requirements of Policy QD15 of the Brighton & Hove City Plan Part 1, saved Policies QD11, QD14 and HE6 of the Brighton & Hove Local Plan and the guidance set out in SPD02. All these policies, amongst other things, seek to protect the character and appearance of the city, especially areas protected for their historic and architectural interest. In particular Policy QD11 of the Local Plan, and the Council's Supplementary Planning Document: *Shop Front Design* (SPD02), specifically state that 'Dutch' blinds will not be acceptable in conservation areas.

Appeal B: Externally illuminated sign

14. Paragraph 67 of the Framework affirms that advertisements should be subject to control only in the interests of amenity and public safety. Nevertheless, in addition to the statutory duty referred to earlier, the Planning Practice Guidance (PPG)¹ advises that in assessing the effect on amenity factors such as historic, architectural or cultural features in the neighbourhood can be taken into consideration. The Regulations state that development plan policies alone cannot be decisive when determining advertisement cases such as these. However, I have had regard to the Council's policies and Supplementary Planning Documents: *Advertisements* (SPD07) and *Shop Front Design* (SPD02) in reaching my decisions.
15. Part of the southern elevation of the pub is highly visible when walking from the seafront into the Lanes. The alignment of East Street, the junction with Pool Valley and the curved front elevation of the adjacent building all contribute to the prominence of this part of the building. In this context the proposed internally illuminated sign, a larger version of which has already been installed,

¹ Paragraph 079 Reference ID: 18b-079-20140306

is also highly visible. In my view the proposed sign would appear out of scale with the southern elevation of the pub. It would also be significantly larger than the modest-sized windows on this elevation and therefore would detract from their architectural detailing. As the windows contribute to the character of the Conservation Area, this would be harmful.

16. The walls of the pub have been painted black and therefore already stand out against the predominantly cream and white elevations of the surrounding buildings. The large red, illuminated sign would increase the pub's alien appearance and fail to adequately respect its setting within the Conservation Area. The sign would be especially prominent at night due to its location and form of illumination when its red colour would appear particularly harsh against the black wall.
17. My attention has been drawn to high level signs on a number of other buildings within the Lanes, such as those on the Black Lion, the Druids Head, The Cricketers and Food for Friends. However, these did not involve internal illumination and all of them were more traditional in their appearance. None of them was therefore comparable with the appeal proposal, which I have assessed on its individual merits.
18. I conclude that the illuminated sign would be harmful to the character and appearance of the Old Town Conservation Area, which would not be preserved. It would also be contrary to saved Policies QD12 and HE9 of the Brighton & Hove Local Plan which require advertisements to be sensitively designed and located, having regard to the architectural and historic features of the building and its setting.

Conclusions

19. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the awning and the internally illuminated sign are unacceptable and, therefore, both appeals should be dismissed.

Sheila Holden

INSPECTOR