Expiry Date - 06/07/2010

**Development Control – Delegated Officer Report**

**Application Number: ADC/0168/10** **Recommendation – Refuse Application**

**Site:** **16 - 18 East Street Shoreham-by-Sea West Sussex**

**Proposal:** **Painting of front exterior wall blue (retrospective)**

## The Application

The application relates to the 'Beach House Restaurant' located on the east side of East Street, within the Shoreham Conservation Area. The premises are located within the ground floor of a mid 19th century pitched roof building, which sits halfway along a terrace of similar aged properties (No's 8 – 22).

The building has three pairs of black painted casement windows equally spaced at first floor level, serving 'Invigorate', a beauty therapists, and at ground floor a set of bi-fold doors, a pair of entrance doors (and side window) which serve the restaurant and a front door to the upper floor, all of which have hardwood frames and are glazed with clear glass. The front of the building has a fascia sign above the southern side entrances and an extending canopy across the top of the bi-folding doors.

Retrospective permission is sought for the painting of the exterior masonry of the building bright blue, which has been indicated to be 'Dulux Azur Fusion 5' masonry paint.

Directly to the north are the other commercial premises in East Street comprising of: Barbers and More (No.20); Artists and Framers shop (No20A); La Galleria Restaurant (No.22). To the south of the site are: Teddy's café (No.12); and Toast by the Coast (No 8-10). On the western side of East Street are: The Ferry Inn (No.1); The Olive Tree (No.5); Cancer Research (No.7); Sussex Stationers (No.9); A&S Aerials (No.11A); Bakhai Pharmacy (No.11); Adurvision (No.13); No.15 is currently vacant; British Red Cross Shop (No.17); Shoreham Knitting and Needlecraft (No.19); and Natwest Bank (No.21).

***Site History***

The restaurant has undergone changes to the exterior appearance of the building over the past years, including:

- ADC/0425/06 - Externally illuminated fascia sign. Approved 05.01.07
- ADC/0267/06 – Bi-folding front doors (retrospective). Temp. permission 05.01.07
- ADC/0270/08 – Retention of Bi-folding front doors (renewal of ADC/0267/06). Approved 13.08.08

- ADC/0122/10 – 2 storage sheds in rear yard with screening structure in shape of beach hut façade (retrospective). Approved 04.06.10

**Consultations and Representations**

***West Sussex County Council:*** The Conservation Architect states that the painted front elevation is brash, and that he personally does not like the colour.

***Adur District Conservation Advisory Group:*** Grossly out of character and out of keeping with the surrounding area, and would set a precedent for unfortunate taste.

***Third Parties:*** There has been one letter of support for the application from the occupier of the adjacent barbers (No. 20 East Street). He states that the blue exterior wall on the property next door to his shop is entirely acceptable. It is bright, colourful, reminiscent of seaside colours used in Brighton, Europe and America. Any attempt to make our towns individualistic exciting and vibrant is to be applauded. Bland is bad – bright is good, positive and to be encouraged.

There have been an additional 4 objections to the proposals, from the owners of 19 East Street, 340 Upper Shoreham Road, (both the same name of occupier), Sure Employment Ltd. 19A East Street, and the occupier of No.11 East Street.

The points of objection are:-

- East Street is in a Conservation Area and comprises facades of light or pastel colours.
- Darker colours are confined to window frames.
- Colour is out of keeping with East Street conservation area and the historical tradition of the vicinity.
- The strong mass of blue totally overwhelms the view from the building opposite.
- A lighter shade would harmonise better with the rest of the street.

**Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB4, AB14, AS1.
Shoreham-by-Sea Conservation Area Character Appraisal and Management Strategy (ADC 2008)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS5 'Planning for the Historic Environment' (DCLG 2010)
PPS6 'Planning for Town Centres' (ODPM 2005)

**Planning Assessment**

***Whether planning permission is required***

The painting of the exterior of the premises is considered to be operational development as described in s.55 (2)(a)(ii) of the Town and Country Planning Act 1990, which says that the carrying out of 'maintenance, improvement or other alteration of any building works' is not development unless there is a material affect on the external appearance of the building.

The significant change in colour from white to bright blue is considered to have a material effect on the external appearance of the building.

It is considered that by virtue of Class A (e) of Part 42 (Shops or Catering, Financial or Professional Services Establishments) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 which states that:

- **The extension or alteration of a shop or financial or professional services establishment.**

Development is not permitted by Class A if –
(e) any alteration would be on article 1(5) land.

The application premises are located within Shoreham Conservation Area, thus it is considered that planning permission is required.

***Policies***

The main relevant planning concerns are whether the paint colour used has a detrimental effect on the character of the Conservation Area.

The premises are located within Shoreham town centre within the Conservation Area where Local Plan policies AS1 and AB4 apply. AS1 states that permission will be granted provided there will be no loss of amenity to nearby residents, and development is of a scale and design, including construction materials, appropriate for the locality. The site is located within the Conservation Area where the Council has a statutory duty to have special regard to the desirability of enhancing or preserving the character or appearance of the area. Consequently policy AB4 states that development will need to be of a high standard of design and construction materials.

The Shoreham-by-Sea Conservation Area Character Appraisal and Management Strategy (CAA) identifies the site as being within the shopping area to the south of East Street adjacent to the Church precinct, and as being the heart of Shoreham's commercial activity and making a specific contribution to the townscape (with the adjacent neighbours on the eastern side of the road No's 10 – 18). Positive features identified in the CAA include, amongst other things, sympathetic use of materials, and the use of colour to add interest. The negative factors identified include the use of inappropriate colours for some buildings. The CAA further states that in the residential

areas stucco terraces are generally painted an assortment of colours, providing a bright and vibrant streetscape, whereas closer to the town centre the buildings are more muted in colour, generally whites, creams and browns.

***Effect on the character or appearance of the Conservation Area.***
Although the area is designated a Conservation Area, this part of East Street is a commercial centre for the town, and as such there are a number of different style fascias and signs in the immediate vicinity. On the opposite side of East Street are No's 7 and 11A, The Cancer Research Shop and A&S Aerials respectively, both of which have bright dark blue fascias and shop fronts. Due to the building line within the west side of the street the fascia of A&S Aerials juts out to the east by approximately 0.5m making it more prominent from the south looking down East Street. The surrounding properties all have light coloured first floor render or brick work frontages.

The application site is located in the middle of the eastern side of the street and therefore has a less prominent position that La Galleria to the north (No.22) or The Ferry Inn to the south-west (No. 1-3). These two premises are however considered to be painted in sympathetic colours (cream and light blue) which relate well to the surrounding conservation area. Although the application site is not as prominent as these two locations it can still be clearly seen in views from the north in and around the Church Yard, and from the south coming up the west side of East Street.

Due to the strong contrast in colour to all of the surrounding buildings and the vivid hue of the blue paint that has been used, it is considered that the painted frontage has a detrimental effect on the appearance of the building, and as a result on the character and appearance of the conservation area, that has been specifically identified within the CAA.

**Recommendation**

REFUSE for reason that :-

The painted frontage is unacceptable in that the use of the vivid blue colour is out of keeping with and detrimental to the character and appearance of the building and the Conservation Area as identified in the Shoreham-by-Sea Conservation Area Character Appraisal and Management Strategy, and contrary to policy AB4 of the Adur District Local Plan.

Case Officer Carlos Hone Date 25/6/10

Planning Services Manager: Date: 25/6/10

Chairman of the Planning Committee: Date: 28/6/10
Agreed by email