
Appeal Decisions

Site visit made on 22 January 2018

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 7 February 2018

Appeal Ref: APP/Q1445/Y/17/3181478

SEALIFE Brighton, Marine Parade, Brighton BN2 1TB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Merlin Entertainments (SEALIFE) Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05717, dated 25 October 2016, was refused by notice dated 8 June 2017.
 - The works proposed are the installation of 8 advertisement signs to the North, East and South elevations of the forecourt.
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Appeal Ref: APP/Q1445/W/17/3181479

SEALIFE Brighton, Marine Parade, Brighton BN2 1TB

- 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 Merlin Entertainments (SEALIFE) Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05716, dated 8 June 2017, was refused by notice dated 8 June 2017 (a split decision was issued which granted 2 adverts and refused 6 adverts).
 - The advertisement proposed is the installation of 8 advertisement signs to the North, East and South elevations of the forecourt.
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Decisions

1. The appeals are both dismissed.

Preliminary Matter

2. As noted above, the Council issued a split decision in relation to the advertisement consent application. This approved the 2 directional signs on the east elevation of the building and refused the other 6 adverts. The listed building consent application was refused and the reason for refusal makes reference to the 6 non-directional signs. An informative attached to the decision notice for the advertisement consent issued by the Council invites the applicant to "regularise" the 2 directional signs by applying for a separate listed building consent.
3. At the time of my site visit, all 8 signs were in place although it should be noted that the sign above the entrance on the east elevation differs from that shown on the drawings.

Main Issue

4. The main issue for these appeals is the effects of the adverts on the significance of the listed building and conservation area and amenity generally.

Reasons

5. The Sea Life Centre is a grade II listed building and is situated within the East Cliff Conservation Area. The building originates from the 1870s and contains largely concealed structures housing the main visitor attraction. The exterior includes an open sunken forecourt with kiosks at its entrance. This dates from the early 20th Century and has the appearance of natural stone. Its arches and stone balustrade, form and layout are sympathetic to the largely Victorian surroundings. I noted at my site visit that there are numerous other signs around the site, designed to be visible from outside the site. Those which are the subject of this appeal are located on 3 sides of the sunken forecourt; the 4th side is formed by the wide steps giving access to it.
6. I have considered and taken account of the contents of the previous appeals referred to by the appellants (Refs: APP/Q1445/E/06/2029634; APP/Q1445/Y/15/3133382 and APP/Q1445/Z/15/3133380). I agree with the assessments contained in those decisions and concur with the view that the appeal site represents a commercial visitor attraction, in an area where other attractions compete for visitors, many with advertisements. I have also noted the numerous other advertisements at the appeal site, many referred to in my fellow Inspectors' decisions.
7. The entrance to the appeal site is adjacent to the busy road junction and I accept that the largely underground nature of the building means that it is not particularly prominent within the area. Nevertheless, the kiosks and balustrading do invite attention and once closer, views into the forecourt are available. Within the forecourt the building forms a carefully designed feature with regular repeated arches and windows set within a formal façade of natural stone (or material with the appearance of natural stone). Although not shown on the drawings to the full extent, this is complemented by the decorative detail of the stone material around the arches, within the layers of the blocks and the balustrading.
8. The signs are referred to as containing photo-realist images and of under-water images, some with lettering over. As noted above, the Council has accepted that the signs in the east elevation (containing Entrance and Exit directions) are acceptable due to their practical nature. The appellant states that the signs are necessary to appeal to visitors once within the forecourt, to "excite" them and to encourage them to pay for entry.
9. In relation to the effects of the signs on the building, the signs obscure the upper parts of the arches above the doorways and one sign fully obscures the archway. This latter sign covers the bin store, which has a separate access. The appellant states that the original fanlights within the arches have been removed by previous occupiers/owners. It is also stated that the sign which screens the bin store would need to be replaced by some form of screen in any event. I consider that the signs detract from the form and appearance of each of the arches by partially disguising their form and by the imposition of vibrant and colourful forms above the doors. The striking form attracts the eye and the numbers of signs present within this enclosed space dominates the

appearance of the area, detracting from and having a harmful effect on the listed building. Even if the signs would need to be replaced by some other feature so that these areas are enclosed, this need not be done with materials and colours which detract from the style and character of the building.

10. I fully acknowledge that a visitor attraction such as this needs to have a presence within a tourist area such as this. I believe that this has been achieved by the consented adverts and those referred to in the previous appeal decisions. The signs which are the subject of the appeal now before me would have very little effect on drawing in visitors or identifying the attraction to those trying to find it. Once they are within the forecourt I see only a very marginal effect on attracting visitors into the attraction and this little benefit does not outweigh the harm to the listed building that I have identified. The 2 signs which have been granted advertisement consent by the Council would have the practical effect of identifying the entrance and exit points.
11. As the signs have an unacceptable effect on the listed building, this diminishes its positive contribution to the character and appearance of the conservation area.

Conclusions

12. I have identified that the 6 signs in question have an unacceptable effect on the listed building and conservation, which detrimentally effects amenity generally. For the reasons set out above, there are no matters sufficient to outweigh the harm that I identify. Therefore, the signs are contrary to Policies HE1, HE4, HE6 HE9 and QD12 of the Brighton and Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One. As a consequence, the appeals are dismissed.

S T Wood

INSPECTOR