



Appeal Decision

Site visit made on 18 March 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/Q1445/Z/19/3220960
75-77 Church Road Hove BN3 2BB

- 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 Stonegate against the decision of Brighton & Hove City Council ("The Council").
 - The application Ref BH/2018/02727, dated 29 August 2018, was refused by notice dated 26 November 2018.
 - The advertisement proposed is Display of 1no externally illuminated fascia sign, 1 no externally illuminated hanging sign, 2no internally illuminated menu boxes & 1no non-illuminated wall mounted amenity board (Part-Retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form describes the development as "1 x fascia signs, 1 x hanging sign, 1 x menu case, 1 x amenity board." As two menu boxes are proposed, some of the signs would be illuminated, and the application is partially retrospective, the description on the Council's decision notice more accurately describes the proposal so I have adopted the Council's description.
3. The appeal is partially retrospective and I have considered it on that basis.

Main Issue

4. The main issue is the effect of the externally illuminated fascia sign on the amenity of the area.

Reasons

5. The appeal site is a public house on the south side of Church Road within The Avenues conservation area. Church Road contains a mix of uses, including commercial uses with shopfronts at ground level. The surrounding buildings are of varied design, and the shopfronts and signage boards within the vicinity of the site are not of uniform appearance.
6. The appeal proposal is a fascia sign and hanging sign, as well as two menu boards and a wall-mounted amenity board. All but the amenity board are illuminated.

7. The Council's only objection relates to the amenity impact of the fascia sign and board which have already been installed.
8. The fascia sign is attached to a fascia board, which the Council states has been recently installed following the removal of a previous unauthorised fascia sign. Given that the existing fascia board is of a different design to the previous fascia board, with a framed edge, I consider that likely to be the case.
9. The appellant has not clarified whether or not the fascia board has been replaced, but stated that a fascia board has been in place for a number of years. The appellant has pointed out that a 2005 planning application (Council Ref. BH/2005/06726) showed an existing fascia board, however it is clear from the plans submitted showing that proposal that the appeal proposal is larger than the fascia board shown in the 2005 application. I have not been provided with convincing evidence that the larger board benefits from consent.
10. Given that the fascia board is a board whose function is, at least in part, the display of the fascia sign (which is an advertisement), and that it is shown on the submitted plans, it forms part of the advertisement for which consent is requested. Following the recent removal of the previous fascia board, and given that both the fascia board and sign are shown on the proposed plan, any grant of consent would be for both the fascia board and the sign. It is therefore incumbent on me to consider the effect of both the fascia sign and the board.
11. In the absence of convincing evidence to demonstrate that a fascia board of the same size as the proposed board benefitted from a form of planning or advertisement consent, I can only afford little weight to the pre-existing visual impact of the fascia board.
12. As set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("the Regulations"), advertisements should be subject to control in the interests of amenity and public safety, and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features. In considering the proposal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. In accordance with the Regulations, I have also taken into account the provisions of the development plan so far as they are material.
14. Policy HE9 of the Brighton and Hove Local Plan resists advertisements and signs within conservation areas which have an adverse effect on the architectural and historic character or appearance of the building or the conservation area. Policy QD12 permits sensitively designed and located advertisements and signs, which contribute to the visual amenity of the area with regard to factors including size, design, lettering and overall impact.
15. The fascia board is excessive in height, being taller than the sign attached to it and projecting higher than the structure to which it is attached. Whilst it does

not obscure parts of the first floor bay windows above as the Council have stated, it does overly dominate the appearance of the building.

16. There are a number of fascia boards and shopfronts in the vicinity of the site, as well as other signs on upper floors. However none are as dominant as the appeal proposal. The fascia sign has large lettering which is 0.5m high and out of proportion with the rest of the building. Although the sign's width reflects the double width of the building and is not in itself problematic (as most of the surrounding fascia signs are also full width), the combination of the sign's double width, excessive height and deep projection result in overly dominant and unsympathetic appearance which together result in a large, conspicuous and discordant intrusion into the street scene.
17. Given its excessive size and the lack of shopfronts on the directly adjacent buildings, the fascia sign overly dominates views along Church Road from both The Avenues and the adjacent Brunswick Town conservation areas, detracting from the setting of both conservation areas and resulting in harm to character and appearance and visual amenity.
18. For the reasons set out above, I conclude that the appeal proposal has a harmful effect on amenity. As such, it conflicts with Policies QD12 and HE9 of the Brighton and Hove Local Plan which seek to protect amenity and so are material in this case.
19. I understand that in order for the business to function effectively, signage is required, and that fascia (and other) signs are characteristic feature on Church Road. However there is no reason why a more sensitively design fascia sign could not be installed to successfully advertise the business whilst preserving or enhancing the character and appearance of the conservation area and the visual amenities of the site.
20. The appellant has advised that if the business were to close, the appearance of a vacant unit would be detrimental. There is no evidence before me which demonstrates that the installation of a more sympathetic fascia sign (particularly in combination with all of the other signage) would result in the closure of the business. The appellant has also cited a fallback position which is the installation of a larger advertisement scheme with a number of separate signs on the exterior of the building and behind the windows. Such a scheme has not been shown to me. The building already has signs on the windows and there is little scope to exercise the described fall-back position, and in any case it would not be in the appellant's interests to install advertisements which are detrimental to the appearance of the premises, therefore I place little weight on the described fall-back position.

Conclusion

21. Having had regard to the relevant development plan policies and the provisions of the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the appeal proposal is detrimental to visual amenity. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Jan Slominski

INSPECTOR