



Appeal Decision

Site visit made on 23 July 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/Q1445/H/18/3213495

OS 40-44 West Street at Junction with North Street, Brighton BN1 1ZA

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/01821, dated 7 June 2018, was refused by notice dated 16 August 2018.
 - The advertisement proposed is a single illuminated sequential display affixed to the frame of the communication hub.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is taken from that used to describe the advertisement on the application form.
3. There is a concurrent appeal¹ relating to the installation of the communication hub to which it is proposed to affix the advertisement. This is considered in a separate decision as it relates to the prior approval procedure under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Main Issues

4. The main issues are the effect of the proposal on the amenity of the area, including the impact on designated heritage assets, and public safety.

Reasons

Amenity

5. The proposed advertisement would be sited on the west side of West Street, close to a main crossroad junction with North Street and Queens Road. West Street is a busy main thoroughfare that leads directly to the seafront. It is set on an incline with a mixture of traditional and modern commercial buildings of mostly three and four storeys either side, terminating with the Grade II Jubilee clock tower in an elevated position at the crossroads. As West Street is

¹ APP/Q1445/W/18/3213494

relatively straight, it allows for longer views from the south towards this significant historic feature.

6. Although the proposed advertisement would not be within the Old Town Conservation Area (OTCA) it would be close to its western boundary that runs along West Street. Although the statutory duty² only applies to development within conservation areas, the impact on the setting of the OTCA is relevant in the consideration of the proposed advertisement on amenity.
7. The OTCA covers the economic, social and civic core of Brighton, and its significance derives in part from the quality of buildings with a connected hierarchy of streets that reflects the evolution of the city over time. The architectural quality of the large Victorian terraced buildings opposite the appeal site reflect the status of West Street as a principal street, thereby positively contributing towards the character and appearance of the OTCA.
8. The advertisement would comprise a tall, freestanding, illuminated screen with a modern functional appearance. It would be sited towards the outer edge of the footway, which when combined with the illumination would make it particularly prominent within the street scene. Although, it is not clear from the plans which direction the advertisement would face, given the narrowing of the footway south of the location, it is likely to face south thereby allowing sufficient room for users of the communications hub on the north facing façade.
9. The proximity and position of the proposal relative to the Jubilee clock tower would partially curtail views from the south to this important focal point and therefore, would significantly detract from the quality of some existing views. Its conspicuous position, illumination and utilitarian appearance is at odds with the adjacent imposing traditional building at 40-44 West Street and the Victorian terrace on the opposite side of the road. Taking these factors together, the advertisement would detract from the way in which both the clock tower and the OTCA are experienced and therefore, would be harmful to their setting.
10. The appellant highlights other illuminated street furniture, shop signage and pre-existing examples of advertisements similar to the appeal proposal generally in the vicinity but as none are identified, I am unable to make a specific comparison. In any event, I have considered the proposal on its own merits.
11. In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 I have taken into account saved policies QD12 and HE9 of the Brighton and Hove Local Plan, 2005 (LP) and policy CP15 of the Brighton and Hove City Plan Part One, March 2016. These policies seek to ensure, amongst other matters, that development, including advertisements, does not adversely affect the visual appearance of the local area and in particular, the quality of the historic environment. As such, they are material to the consideration of amenity. Given that I have concluded the proposal would be harmful to the appearance of the historic environment, the proposal conflicts with these policies.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

12. I therefore find that the advertisement would be harmful to the amenity of the area and would be contrary to the provisions of paragraph 132 of the National Planning Policy Framework.

Public Safety

13. The proposed advertisement would be situated on a wider section of pavement close to the point where it narrows, which coincides with the termination of the cycle lane shortly before the main junction which is controlled by traffic lights. This would allow a width of 3 metres to remain for pedestrians, who due to the presence of a traffic sign and the narrowing of the pavement, tend to use the inner section of the footway such that their movements are unlikely to be impeded.
14. Nevertheless, the advertisement would be likely to face directly towards the cycle lane at the point where cyclists are required to re-join the main carriageway whilst also negotiating an incline and traffic lights. Given its proximity to the edge of the footway, illumination and sequentially changing display, it would be a visual distraction to drivers and cyclists in these circumstances.
15. Furthermore, the signal-controlled junction is busy, often congested, and includes several pedestrian crossing points. As such, the additional visual distraction of the advertisement would be detrimental to the safety of highway users at this inter-section, including pedestrians crossing the road.
16. Policies QD12 and TR7 of the LP are material as they share a common objective to prevent adverse harm to public safety. As I have found the proposal would be detrimental to highway safety, it follows that the proposal would conflict with these policies.
17. Accordingly, I find that the location and appearance of the proposed advertisement would adversely affect public safety and would therefore, be contrary to the provisions of paragraph 132 of the National Planning Policy Framework.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector