



Appeal Decisions

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/18/3213489
16-19 North Street, Brighton BN1 1EB

- 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 BH2018/01820, dated 7 June 2018, was refused by notice dated 15 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 located within the Old Town Conservation Area (OTCA) near to its northern boundary with the Valley Gardens Conservation Area (VGCA). The OTCA covers the economic, social and civic core of Brighton, and its significance derives in part from the quality of buildings with the connected hierarchy of streets reflecting the evolution of the city over time. The VGCA relates to a central spine of historic Brighton that

¹ APP/Q1445/W/18/3213488

more closely reflects a Regency development phase, and this is demonstrated in the quality and quantity of historic buildings and public gardens.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of amenity.
7. North Street is a principal thoroughfare, and the number and grandeur of the large, mostly commercial buildings located either side reflect its status. Of particular note are the listed Chapel Royal (Grade II*) and adjacent 163 North Street (Grade II) that are located on the opposite side of North Road to the appeal site. The Chapel Royal has an impressive brick clock tower, and No. 163 comprises an imposing Edwardian Baroque corner building which gives them a distinctive prominence when seen in the context of the ordered, symmetrical, rendered buildings opposite. The scale and special architectural and historic interest of these buildings contributes significantly to 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. A notable amount of street furniture is already present in the surrounding area, including seating, street tree planters, bins and road signage. The introduction of a relatively large, lit advertisement in such a conspicuous location would adversely contribute to the visual and physical clutter in the street. It follows that this would fail to preserve the character and appearance of the OTCA, and given its proximity, the setting of the VGCA.
9. The advertisement would be seen in views of the tight knit urban grain of the street. Due to its prominent positioning and illumination, and by adding to the general street clutter, it would amount to a visual distraction to the focal point of the Chapel Royal and diminishing the stature of both listed buildings in views along North Street. On this basis, as it would adversely affect the surroundings in which these designated heritage assets are experienced, it would result in harm 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.

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. North Road is a busy shopping area that attracts a significant number of pedestrians. Even so, there are street planters located close to the proposed location of the advertisement that currently deter pedestrians from using the outer edge of the footway. Moreover, the remaining available pavement would be reasonably wide. On this basis, there is little evidence to substantiate the Council's concern that the proposal would impede pedestrian movements such that they would be forced to use the road as an alternative.
14. Although located near to the edge of a loading bay, I have not seen evidence to show that the proposed position of the advertisement would interfere with its effective use.
15. The location is sufficiently set back from the road to allow for forward visibility for drivers and would therefore, not compromise the safety of pedestrians using the nearby pedestrian crossing. Although I accept the advertisement would add to visual clutter, given the degree of activity within the street scene arising from the range and number of road users, it has not been shown that it would create an additional distraction to vehicle drivers such that highway safety is put at risk.
16. As such, although policies QD12 and TR7 of the LP are material to the consideration of public safety, based on the evidence presented, I find no conflict with their objective to prevent adverse harm to public safety. It follows that this does not present a reason to dismiss the appeal.

Conclusion

17. Although, I do not find unacceptable harm to public safety, the advertisement would be harmful to the amenity of the area. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector