
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/18/3213535
82 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 BH2018/01828, 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 Issue

4. The main issue is the effect of the proposal on the amenity of the area, including the settings of the Old Town, Montpelier and Cliftonhill and Regency Square Conservation Areas.

Reasons

Amenity

5. The proposed advertisement would be located on a wide pavement leading to the main retail centre of Brighton where the surrounding buildings are predominantly modern. The area immediately to the front of the Churchill Square Shopping Centre comprises public space that due to the careful siting of planters, seating and public art has a sense of order and rhythm. Although there are a significant number of bus stops and bollards in the vicinity, they

¹ APP/Q1445/W/18/3213534

- have been regularly spaced which, notwithstanding its busy nature, gives an underlying structure to the street scene.
6. The advertisement would comprise a tall, freestanding, illuminated screen with a modern functional appearance. Its placement at a prominent entrance point into this area would appear somewhat arbitrary and as a result, would dilute the ordered character of the public realm. Furthermore, the position of the advertisement close to a busy intersection of roads when combined with its size, illumination and sequential displays would result in a conspicuous addition, visible from several directions. Accordingly, it would adversely affect the general characteristics of the locality.
 7. Although not located within a conservation area, the Council considers the advertisement would affect the setting of three nearby conservation areas, which, although the statutory duty² only applies to development within conservation areas, is a relevant consideration when assessing the impact of the proposed advertisement on amenity.
 8. However, given the tight-knit urban grain, there are intervening buildings that would prevent harmful inter-visibility with the Old Town Conservation Area, located to the east. The same is true for the Montpelier and Cliftonhill Conservation Area, located to the north, and the Regency Square Conservation Area, located some distance to the west. My finding in this regard is not dissimilar to the considerations of the Inspector of the appeal decision³ that I am referred to. As such, I do not consider that the advertisement would harm the setting of these designated heritage assets.
 9. 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.
 10. In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 I have taken into account saved policy QD12 of the Brighton and Hove Local Plan, 2005 (LP). This policy seeks to ensure, amongst other matters, that advertisements do not adversely affect the visual appearance of the local area. As such, it is material to the consideration of amenity and the proposal would conflict with this policy.
 11. However, given that I do not consider that harm would result to the setting of nearby conservation areas, policy HE9 of the LP and policy CP15 of the Brighton and Hove City Plan Part One, March 2016 that seek to protect the quality of the historic environment, have limited relevance.
 12. Accordingly, I find that the appeal proposal 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.

Other Matters

13. Although the Council highlight the number of pedestrians in Churchill Square and consider that the proposal may affect pedestrian safety, this was not

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

³ Reference APP/Q1445/W/18/3193452

included as a reason for refusal on the decision notice. Nevertheless, the proposed location of the advertisement would be located on a pavement of generous width. I accept that it is at a point near to an intersection of roads, whereby the pavements narrow close to a pedestrian crossing. As such, the advertisement may present an obstacle to the desire line of some pedestrians, especially when the retail area is particularly busy. However, whilst inconvenient, given that there would be sufficient room to move around the advertisement with relative ease, there is little evidence to substantiate that this would amount to a risk to public safety to pedestrians such that they would be forced into the road.

Conclusion

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

Helen O'Connor

Inspector