



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/18/3213542
134 North Street, Brighton BN1 1RG

- 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 BH2018/01834, 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 setting of the Old Town Conservation Area.

Reasons

Amenity

5. The proposed advertisement would be located on the northern side of North Street which is a busy main thoroughfare, with three and four storey commercial buildings comprising a variety of ages and styles. It would be situated outside a modern retail unit with large areas of glazing and canopies projecting over the pavement. The section of North Street nearest to the appeal proposal has a somewhat cluttered appearance due to the plethora of nearby canopies, large fascia signage, traffic signs, bins and bus shelter.

¹ APP/Q1445/W/18/3213541

6. The advertisement would comprise a tall, freestanding, illuminated screen with a modern functional appearance. Its placement at the outer edge of the pavement, combined with its size, illumination and sequential displays would result in it appearing unduly prominent in the street scene. It would further add to the proliferation of street furniture and advertisements in the immediate area thereby harmfully exacerbating the sense of visual clutter.
7. Although not within a conservation area, the appeal site is directly opposite the northern boundary of the Old Town Conservation Area (OTCA). Accordingly, 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. The OTCA includes the economic, social and civic core of Brighton, and its significance derives in part from the quality of buildings with the hierarchy of streets reflecting the evolution of the city over time.
8. Due to its prominent location, the advertisement would be seen in general views along North Street. Consequently, the cumulative harm to the street scene would be apparent against the context of the southern side of North Street, which is located within the OTCA. In addition, given its proximity, it would be visible in views from the OTCA. It follows that it would adversely affect the surroundings within which the OTCA is experienced and therefore, would be harmful to its setting and significance as a designated heritage asset.
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 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 setting of the OTCA, the proposal conflicts with these policies.
11. 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.

Conclusion

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

Helen O'Connor

Inspector

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