



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/18/3213483

13 Pavilion Buildings, Castle Square, Brighton BN1 1EE

- 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 BH2018/01819, 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 located within the Valley Gardens Conservation Area (VGCA) near to its boundary adjoining the Old Town Conservation Area (OTCA). The VGCA relates to a central spine of historic Brighton that indicates a Regency development phase, and this is reflected in the quality and quantity of historic buildings and public gardens within which the Royal Pavilion is the dominant landmark. The adjoining OTCA covers the economic, social and civic core of Brighton, and its significance derives in part

¹ APP/Q1445/W/18/3213478

- from the quality of buildings and connected hierarchy of streets that reflect the evolution of the city over time.
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. The appeal site is in front of the Grade II listed 12, 13 and 14 Pavilion Buildings. These are traditional, stucco terraced houses and shops dating from 1852-3, the special interest of which derives largely from their architectural quality that also contributes positively to the character and appearance of the VGCA.
 8. The advertisement would comprise a tall, freestanding, illuminated screen with a modern functional appearance and it would displace an existing hooped cycle stand. 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.
 9. A notable amount of street furniture is already present in the surrounding area, including a telephone box, road signage, bollards and cycle hoops. However, save for the telephone box, the cycle hoops, bollards and road signage are relatively unobtrusive and of a modest scale. Moreover, the surrounding shop fascia signage is restrained with subtle illumination. The introduction of a relatively large, lit advertisement in such a conspicuous location would be a discordant addition to the street scene and harmful to the elegant character and appearance of the VGCA. Furthermore, given its proximity, harm would result to the setting of the OTCA.
 10. The advertisement would be located close to, and in front of the principal elevation of 13 Pavilion Buildings. No.13 is flanked by listed buildings and is therefore seen as part of a group, with views possible from several directions. The advertisement would feature prominently in the foreground of such views and due to its size and illumination, would be a harmful visual distraction within the setting of this group of listed buildings.
 11. 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.
 12. 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 (BHCP). 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.

13. Accordingly, I 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

14. The appeal site is located in an area near to a busy shopping district and the Royal Pavilion, an important landmark. Consequently, there are a significant number of pedestrians. However, at present the location of existing cycle hoop stands, bollards, traffic signage posts and telephone box situated towards the outer edge of the footway results in pedestrians using the inner part of the pavement to a greater extent.
15. The advertisement, although of greater width, would be located between the existing street furniture and is therefore unlikely to impede pedestrian movement to a significant degree. Moreover, notwithstanding the Council's concerns, the remaining available pavement would be reasonably wide. On this basis, there is little evidence to substantiate the Council's predictions that in peak periods some pedestrian movements would be forced into the road.
16. The location is sufficiently distant from the pedestrian island crossing point across Castle Square so as not to hinder its use by pedestrians. In any event, there would be other intervening street furniture that is closer to the crossing point.
17. 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. Furthermore, although the Council also refer to policy CP15 of the BHCP, as this primarily relates to the conservation and enhancement of the historic environment, it is not considered material to the consideration of public safety.
18. Accordingly, I find that the proposal would be acceptable in terms of the impact on public safety and it follows that this does not present a reason to dismiss the appeal.

Conclusion

19. 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