



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/18/3213547

4 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 BH2018/01836, 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 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 hierarchy of streets reflecting the evolution of the city over time. The VGCA relates to a central spine of historic Brighton that more closely reflects a Regency development phase, and this is reflected in the quality and quantity of historic buildings and public gardens.

¹ APP/Q1445/W/18/3213546

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 section of North Street nearest to the appeal site comprises a mix of modern and historic buildings attaining four and five storeys that form a tight-knit, busy commercial and cultural area within the city. The mix of uses and activity, especially at ground floor level, results in a vibrant character. The regularly positioned simple tree planters and contemporary cycle racks, employed along the outer edge of the footway, provide visual coherence conveying a sense of order within the street scene, thereby contributing positively to the character and appearance of the OTCA.
8. The location of the proposed advertisement would disrupt the rhythm of the existing street furniture and due to its height would conceal some views of the trees diminishing their softening effect. Furthermore, the illuminated sequencing of the display would be a conspicuous and discordant intrusion into the street scene at odds with the more reserved street furniture in the immediate vicinity. As such it would be harmful to the amenity of the area and furthermore, would fail to preserve the character and appearance of the OTCA, and given its proximity, the setting of the VGCA.
9. I have had regard to the likely impact on the way Norwich Union House, a Grade II listed building, located on the opposite side of North Road would be experienced. This is a large office building built in the 1930's that has an imposing presence at a corner location. Given the degree of separation, relative scale of the proposal and significant level of other activity within the street, the advertisement would not be associated with, nor markedly affect how the building is experienced. Therefore, it would not harm the setting of this designated heritage asset.
10. The appellant highlights other illuminated street furniture, retail 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 appeal 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 character and appearance of the OTCA and VGCA, the proposal conflicts with these policies.
12. 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

13. The advertisement would be located on a pavement of considerable width, between existing tree planters and cycle parking. Due to the location of these, pedestrians are generally deterred from using the outer edge of the footway. Therefore, the advertisement is unlikely to present an obstacle to the passage of pedestrians. Furthermore, the proximity of dedicated pedestrian crossing points nearby would mean that the advertisement would not restrict pedestrians wishing to cross the road.
14. The location is sufficiently far from nearby bus stops and loading bays such that it would not present an obstruction to buses or commercial traffic. 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 would not create an additional distraction to vehicle drivers such that highway safety is put at risk.
15. I am referred to a recent appeal decision² whereby the position of a proposed telephone kiosk was found to harm highway and pedestrian safety. However, the development related to 5 North Street and was found to reduce the length of the loading area for a designated loading bay resulting in increased congestion. The location of the proposed advertisement in this case would be sufficiently distant from the loading bay to avoid this harm.
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

² Reference APP/Q1445/W/18/3195230