
Appeal Decision

Site visit made on 13 May 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/Q1445/G/19/3242641

Nos. 75-77 Church Road, Hove BN3 2BB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the display of an advertisement with deemed consent.
 - The appeal is made by The Company Secretary of the Stonegate Pub Company against discontinuance action by Brighton & Hove City Council.
 - The Council reference is ENF2018/00549. The Discontinuance Notice is dated 4 October 2019. The advertisement concerned is the non-illuminated fascia sign on the southern elevation of the building fronting Church Road, featuring lettering reading "Blind Busker".
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Decision

1. The appeal is dismissed. The Discontinuance Notice shall come back into effect immediately and the use of the site for the display of advertisements with deemed consent shall cease by the end of 3 months from the date of this decision.

Preliminary Matters

2. During the course of the appeal I queried with the Council and appellant the period of compliance with the requirements of the notice due to the Covid-19 epidemic. Under the Regulations I am able to consider the period of compliance, so will return to this matter as part of my decision.
3. An enforcement notice has been served on the erection of a front boundary wall at the property. That has been appealed¹ and will be subject of a separate decision.

Reasons

4. The non-illuminated fascia sign on the front of the Blind Busker public house benefits from deemed consent under Schedule 3, Part 1, Class 5 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended. The Council considers a discontinuance notice is necessary to remedy a substantial injury to the amenity of the locality by way of the effect of the advertisement on the character and appearance of the street scene. I note that the site is located within The Avenues Conservation Area. They do not

¹ Appeal reference APP/Q1445/C/19/3239731

suggest that the sign constitutes a danger to members of the public and I see no reason to disagree with their conclusions in this regard.

5. An appeal² was dismissed for an externally illuminated fascia sign as the Inspector considered that advertisement would harm the visual amenity of the area. I understand that sign was installed and has been amended through the removal of the trough light, resulting in the non-illuminated sign subject of this appeal. An enforcement notice has been served on the front boundary wall that has been appealed³ and will be subject of a separate decision.
6. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements through the discontinuance of deemed consent may be exercised only to remedy a substantial injury to the amenity of the locality or a danger to members of the public, taking account of any material factors. In my determination of this appeal, local and national planning policies have not, by themselves, been decisive. Nevertheless, I need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. The public house comprises the ground floor of two sections of the terrace of buildings. The sign is located above the ground floor frontage across the width of the public house and adjacent door that appears to serve the upper floors of the building. The ground floor of these units has been combined and altered to provide a largely glazed frontage. The sign comprises gold lettering of the name of the pub on a black background.
8. The width and height of the signage, combined with its depth in front of the ground floor windows, dominates the building, particularly the ground floor. It partially obscures the signage on the bay windows above for upper floor occupants. As a result, it injures the amenities of the locality.
9. That harm also relates to the character and appearance of the conservation area. The Avenues Conservation Area comprises the avenues leading down to Kings Lawns on the seafront that are predominantly residential flats and houses, and this section of Church Road that is a busy commercial street. Whilst the signage reflects the use of the building and this part of the conservation area, the dominance on the front of the building causes harm to the conservation area and to the significance of the conservation area as a heritage asset. It does not preserve or enhance the character or appearance of the conservation area, so is contrary to the Act. As a result, I consider that the injury to the amenities of the locality are substantial.
10. As a result, the signage conflicts with Policies QD12 and HE9 of the Brighton and Hove Local Plan and Policy CP15 of the City Plan Part One. These seek to conserve and enhance the city's historic environment. In relation to advertisements and signs, they seek to ensure that they are not detrimental to visual amenity taking account of size, design and location among other factors, and that they do not have any adverse effect on conservation areas.

Period for compliance

² Appeal reference APP/Q1445/Z/19/3220960

³ Appeal reference APP/Q1445/C/19/3239731

11. I note that all the units operated by the appellant, including this one, have been closed due to the Covid-19 pandemic and that most staff are on furlough leave. It is unclear when the units will be able to open and the furlough scheme has been extended until October. They have requested that the compliance period be extended until the end of October for that reason. The Council consider an eight week period would be sufficient, taking account of the nature of works required.
12. I have taken into account that the sign does not constitute a danger to members of the public.
13. Planning Practice Guidance Reference ID: 18b-052-20140306 provides that the period for compliance should be reasonable. Taking into account all of the factors set out above, I consider that a reasonable period would be a period of 3 months from the date of this decision.

Conclusion

14. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed and the discontinuance notice upheld, subject to the variation set out in my formal decision above.

AJ Steen

INSPECTOR