



Appeal Decision

Site visit made on 24 November 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/Q1445/W/20/3251694

Grosvenor Casino, 9 Grand Junction Road, Brighton BN1 1PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Grosvenor Casinos Limited against the decision of Brighton & Hove City Council.
 - The application BH2020/00291, dated 30 January 2020, was refused by notice dated 25 March 2020.
 - The application sought planning permission for alterations to entrance façade incorporating replacement canopy, entrance doors, screens and side windows, re-tile stairs and lighting pillars, replacement of existing stair lift and light shades without complying with a condition attached to planning permission BH2019/01256, dated 29 July 2019.
 - The condition in dispute is No.1 which states that: The development hereby permitted shall be carried out in accordance with the approved drawings listed below: 8987-001, RAN027_200_01D, RAN027_200_02B, RAN027_200_03D, RAN027_200_04A.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background

2. The appeal seeks amendments to the replacement canopy installed under planning permission BH2019/01256.
3. The Council refused planning permission to vary condition 1 on BH2019/01256 to enable amendment of the replacement canopy for the following reason: *The proposed installation of LED screens to the canopy would present a stark, heavy, blank grey/black surface which would be unattractive and unduly intrusive against the attractive pale façade of the locally listed building. When illuminated the size and intensity of the lighting proposed would be highly dominant and detrimental to the historic character and appearance of the building, adjoining listed buildings and the wider Old Town Conservation Area. The works are contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One and policies HE3, HE6 and HE10 of the Brighton & Hove Local Plan.*

Main Issue

4. The main issue is whether the proposed amendment to the canopy would preserve or enhance the character or appearance of the Old Town Conservation Area, the locally listed building and the settings of adjacent listed buildings.

Reasons

5. This part of the Old Town Conservation Area is occupied by tall buildings painted in white or cream colours and is characteristic of the Brighton seafront. While the appeal building is later in age than many of the buildings in the area, and of an Art Deco style, it is consistent in height and scale to the grade II listed buildings which flank it and makes a positive contribution to the character and appearance of the Conservation Area.
6. Advertisements, where they are present, are understated and generally limited to small or individually lettered business or building names along this part of the seafront. The appeal building is unusual in that regard in having illuminated signage, although these details have been well designed. The canopy, with its black frame, backlit panels, black lining and simple lettering complements the Art Deco style of the building.
7. The proposed canopy would not complement the building or the wider area in the same way as the recently installed canopy. It would be rectangular in plan to accommodate the LED panels, losing the rounded corners that are characteristic of the Art Deco style. The scale of the LED panels in relation to the canopy would also change its appearance from one of an entrance canopy with individual lettering, to one that was dominated by advertising panels. This would be to the detriment of the character and appearance of the Conservation Area, where projecting features such as the canopy and signage are limited.
8. The appellant has argued that there would be little visual difference between the installed canopy and that proposed because the LED panels would be lit 24 hours per day avoiding blank black panelling being seen, and illumination could be reduced from its normal operational brightness of 4500-5000 cd/m² to 600 cd/m² to accord with the Council's supplementary planning guidance¹.
9. While the test rig shown in photograph 3 of the appellant's appeal statement does indeed show a sign that resembles the front of the existing canopy, there is no guarantee that would be the permanent display. Indeed, one of the features of the LED display is the ease with which it could be changed, including the use of different colours and images, as is shown on the flanks of the test rig. I consider that the visual prominence that the advertisement display would command, would appear significantly greater than the existing arrangement. This would be at odds with the otherwise uncluttered nature of the building façades in this part of the seafront.
10. I conclude that the alteration to the shape of the canopy and the greater prominence of the advertisement display on it would fail to conserve or enhance the character or appearance of the Old Town Conservation Area. It would also draw attention away from the architectural merits of the locally listed building and detract from its group value with the grade II listed buildings alongside. As a consequence, it would conflict with policies CP12 and CP15 of the Brighton & Hove City Plan Part One and policies HE3, HE6 and

¹ Brighton & Hove City Council Supplementary Planning Document 07 - Advertisements

HE10 of the Brighton & Hove Local Plan, which collectively seek to conserve and enhance the city's historic environment.

11. Using the terminology set out in the National Planning Policy Framework², the proposed canopy would lead to less than substantial harm to the Conservation Area, although it would nevertheless cause harm to its character and appearance, to which I attach great weight. There are no public benefits that have been identified that outweigh the harm so caused. I therefore consider that the development would also fail the statutory tests to preserve or enhance the character or appearance of the Conservation Area, and the setting of the adjacent listed buildings, for the reasons set out above.

Conclusion

12. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

² National Planning Policy Framework, paragraph 196.