
Appeal Decision

Site visit made on 12 October 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/Q1445/Z/21/3274103
20A-22 West Street, Brighton BN1 2RE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Huw James of ECE Planning Limited against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/00023, dated 5 January 2021, was refused by notice dated 16 March 2021.
 - The advertisement proposed is an LED digital screen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed advertisement in the banner heading above is an edited version of that provided on the application form, from which I have removed unnecessary reference to an existing sign and the location.

Main Issue

3. Consideration of advertisements is limited to matters of amenity and public safety. The Council has raised no objections related to public safety. The main issue is therefore the effect of the advertisement on amenity.

Reasons

4. The proposed advertisement would be positioned between second and third floor level within the prominent corner frontage of 20A-22 West Street. It would be installed in place of an existing name sign of similar dimension which relates to the current use of the building. Old photos show that name signs serving a similar function have been positioned in a similar position over many years. Indeed, the corner of the frontage both was and remains a key point of emphasis within the Art Deco design of the building, which, though modified over time, seems likely to have been designed to support such signage.
5. The advertisement would be a digital screen. Whilst the application states that it would play videos, the appellant has agreed to forgo this function. The extent to which advertisements would nonetheless switch has not been detailed. It can however be reasonably assumed that switching would occur as this is a normal characteristic of advertising on digital screens.

6. The appellant's submissions provide various measures of proposed luminance. However, if sensor and time controlled, and operated at the lowest quoted level of 100 cd/m² during the hours of darkness, the sign would not appear excessively bright. It would nonetheless emit light, and its character as a screen would be appreciable at all times when operational.
7. The character of the screen would differ significantly from that of the existing name sign, both in terms of its appearance and its function. It would also bear little relation to the generally limited examples of conventional high-level signage on buildings within the more immediate streetscene. Indeed, subject to standard limitations, it could display any image, and the images could frequently change. These characteristics, combined with the elevated corner location, would cause the screen to be far more visually conspicuous than the existing sign, and any other sign within the same view, both day and night. This would be true whether or not the existing sign is capable of being lit a little more brightly. It would be further emphasised by the lack of similar screens within the street at present, and the otherwise low frequency of illuminated signage. The screen would as such relate poorly to the existing character of the streetscene.
8. Moreover, though the screen would occupy a key position within the building frontage, there would be no necessary relationship between its use and that of the building. Nor would there be any clear integration of the screen with the highly stylised architecture of the latter. This would give rise to an appreciably awkward relationship between the screen and the host building, quite unlike that typical of screens installed in streets towards the north. These are by contrast positioned on the blank gable ends of buildings, much in the same way as the traditional billboards they replaced. The awkwardness of the relationship created between the sign and the host building would further amplify the failure of the screen to integrate with the streetscene at large.
9. I find therefore that the proposed sign would be perceived as an atypical, discordant and thus visually incongruous feature.
10. In assessing the scheme, the Council identified a failure to preserve the setting of St Paul's Church, a Grade II* listed building close by. However, as the statutory duty to have special regard to preserving the setting of a listed building applies in relation to planning permissions, it is not applicable in this case. The relationship is nonetheless one which falls within the general scope of my consideration of amenity.
11. The tower and spire of the church is an important historic landmark within the surrounding townscape. This is notwithstanding the competition received from tall buildings constructed between it and the seafront. Viewed south along West Street, it is a feature within the immediate backdrop of the appeal site. As this is the same direction within which most views of the proposed screen would exist, the upper part of the tower and spire would be viewed in conjunction with the screen. I have already found that the screen would appear incongruous in relation to the host building. It can only follow that such incongruity would in turn detract from appreciation of the visual quality of the tower and spire, thus further accentuating the adverse effects identified above.
12. In assessing the scheme, the Council additionally identified an adverse effect on Old Town Conservation Area (the Conservation Area), whose boundary runs along the opposite side of West Street. As the site lies outside the Conservation

Area the statutory duty cited by the Council is again not applicable. The fact that the east side of the street has been recognised as being of some architectural and historic interest is nonetheless again a point which is relevant to my consideration of amenity.

13. Here it is of note that the streetscene as a whole contains a good collection of buildings, including a fine sequence of Art Deco designs, and the church considered above. Notwithstanding the apparently 'numerous examples of poor development', West Street retains a distinctive and visually interesting character. Given my findings above, this would be compromised by the proposed sign.
14. My attention has been drawn to an appeal decision relating to a site in Birmingham. However, given that my consideration of amenity is site specific, this appeal decision has little or no relevance.
15. The appellant notes that encouraging pre-application advice was received, and has also summarised advice received in relation to other locations. Whilst pre-application advice related to other sites again has little or no direct relevance to the site in question, even that related to the site cannot be held as binding. Indeed, the Council's decision was ultimately to refuse consent, and I have found no reason to question this outcome.
16. The appellant states that the sign would make a significant economic contribution to local charities and businesses, thus providing a significant community benefit. However, my consideration is limited to that of amenity, and such claimed benefits are not therefore something which the Regulations, National Planning Policy Framework or Planning Practice Guidance indicate can be taken into account.
17. For the reasons set out above I conclude that the advertisement would have an unacceptably adverse effect on amenity. I have taken into account Policies QD12 and HE9 of the Brighton and Hove Local Plan 2005 which each set out the Council's expectations in relation to advertisements, including where sited close to a listed building, and so are material in this case. Given I have concluded that the proposal would harm amenity, and that this harm would arise at least partly from the visual interaction of the advertisement with a listed building, the proposal conflicts with these policies.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR