

Appeal Decision

Site visit made on 1 November 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021.

Appeal Ref: APP/Q1445/Z/21/3275587

1 Freshfield Way, Brighton, BN2 0LE

- 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 Alight Media against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/01113, dated 25 March 2021, was refused by notice dated 21 May 2021.
 - The proposal is to display a single illuminated 48-sheet digital advertisement display, 6m x 3m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The Council refers to development plan policies. The Regulations require that decisions be made only in interests of amenity and public safety. Therefore, development plan policies alone cannot be decisive, but I have taken them into account as material considerations.

Amenity

4. The proposal is as described above. It would be located within a landscape strip to the side elevation on Eastern Road of a large leisure/bingo facility with further commercial buildings beyond it to the north. Southwards immediately cross Eastern Road and to the west are residential properties and this road, along with the nearby Freshfield Way junction are well trafficked areas.
 5. The Council is concerned over impacts upon the 'setting of the adjacent College Conservation Area and nearby listed buildings to the east'. From my perspective this is making a connection which is not there. I agree with the Appellant to the effect that the distances to the east and general geographical relationships are such that the sign would not impinge upon the qualities of these heritage assets. Additionally, the sign would be singled sided facing west.
 6. I thus turn to the immediate streetscene and surrounds. Plans for this substantial sign include the felling of two maple trees to increase visibility and I have to say this is a regrettable starting point in visual amenity terms. These
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trees add to the landscape quality along the host building edge and contribute positively to the wider streetscene. The sign itself would be of appreciable dimensions and sit prominently at right angles to the road. It would have undoubted dominance; too much so in visual terms in my opinion. Although the host building is a commercial one the scene is presently relatively low key and the residential element sits comfortably on Eastern Road. The signs the host building has at present, whilst not insignificant, are of limited visual projection and as the Appellant notes, tend to be clustered.

7. I consider that the sign would not integrate well with the host building or this landscaped area and would look awkward and over-dominant on this stretch of road and particularly so given that much of the context is residential. It would intrude upon visual and residential amenity. It would be jarring on the eye by reason of its size, position and intended illumination; overall it would be too strident for this location.

Other matters

8. I have considered both the National Planning Policy Framework and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described.
9. I appreciate the ability to vary illumination levels and I do recognise that this side of the road is a commercial area, but the appeal site is very much on the fringe of that. The points made over sustainability in all its senses over the sign and its remote operation are noted and have some credence and I have carefully considered these and all the other points raised by the Appellant. However, these matters do not outweigh the concerns which I have in respect of the main issue identified above.

Overall conclusion

10. For the reasons given above I conclude that the proposal would be unduly detrimental to amenity. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR