

Appeal Decision

Site visit made on 8 December 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2021

Appeal Ref: APP/Q1445/Z/21/3278507

Advertising at 413 Portland Road, Brighton, BN3 5SG

- 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 Wildstone Group Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/01152, dated 18 March 2021, was refused by notice dated 25 May 2021.
 - The proposal is to upgrade of existing 48 sheet advert to support a digital poster. The size and positioning of the advertisement will remain unchanged. The advertisement will have a maximum luminance that does not exceed 300cd/sqm at night time in accordance with the guidelines as set by the Institute of Lighting Professionals (ILP) Technical Note 5.
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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. I use the Appellant's description of the proposal above, which is more extensive than the Council's description, and while unorthodox it does usefully provide full details of the scheme at hand. Portland Road is a reasonable sized side street which comes off the main Station Road/Boundary Road commercial area and the appeal site is about 50 metres from that junction. Some business premises lie round the corner with the shopping frontage across the street but the majority of Portland Road is residential. The hoarding position is almost on the back edge of the footway at the residential end of the Portslade Station site which is parallel to and set back from Portland Road. The hoarding is a stand out feature in an otherwise generally open frontage of this Station which is a grade II listed building.
 5. I observed that there is appreciable activity locally including bus stops, deliveries and short stay vehicle parking. Although a busy place with business
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activity even the main street struck me as quite low key in nature; low level premises, modest directly related advertising, often non illuminated, and narrow pavements lead to an aesthetic which is far from brash or impactful. This appears as a local centre. Towards the existing hoarding this low-key nature becomes more so until virtually alongside it the main row of dwellings on the north side of Portland Road begins and business activity effectively ends.

6. The context I describe, including the listed building, in my mind all goes to make the existing hoarding an anomaly. I would say this is unfortunate but clearly opposite decisions have been taken in the past and the hoarding rests where it is and presumably will continue in situ. The Appellant notes it has deemed consent. Against this visual backdrop and the area's local character I would not support what would appear as a more substantial main structure and, even with low luminance and the technical case put forward by the Appellant, undoubtably a more eye-catching display to people during the day and more so in hours of darkness. The visual qualities of the area would diminish with a display which was bolder than the existing and is simply not suited in these low-key environs and would also detract from the visual attributes of the listed station.
7. In summary, the scheme would result in a negative impact on amenity.

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. The Appellant refers to a "not dissimilar" case in Brighton but I do not have sufficient information to make a meaningful comparison and in any event I must judge the case before me on its own merits. I appreciate the ability to control illumination levels and output would be restricted in dark hours and I do recognise that this display would be an upgrade rather than new erection. The points made over sustainability in all its senses over the sign and its remote operation with reduction of travel are noted and have some credence. 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

