



Appeal Decision

Site visit made on 17 November 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Q1445/Z/22/3303098

Battle of Trafalgar, 77 Trafalgar Road, Portslade, BN41 1GT

- 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 BH2022/01197, dated 18 March 2022, was refused by notice dated 26 May 2022.
 - The proposal is the upgrade of existing 48 sheet advert to support digital poster.
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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. I have no reason to doubt the Appellant's point that the existing display has not altered in over ten years and benefits from deemed consent under advertisement regulations. The Appellant explains that the proposed display would be fully controllable and set to operate within guidance limits of the Institute of Lighting Professionals (300cd/sqm at night-time), which is said to be typical for this type of advertisement. Furthermore, it is proposed that a curfew for the display would be imposed from 22:00 to 07:00 with night-time brightness limited to 100cd/sqm. Typical daytime levels, which are controllable, would range from between 600cd/sqm and 2,500cd/sqm depending upon the brightness of the day.
 5. The relevant side flank of the two storey public house is on a corner where Trafalgar Road and Victoria Road meet and is most noticeable looking or travelling southwards. Trafalgar Road is modest in scale but well used by vehicles. The locality has a mix of (primarily) residential and small commercial premises and a property used as a Hindu Temple faces the site across Victoria Road. Most buildings locally are of two storeys, the limited number of
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businesses comprise a secondary location and overall the locality is quite low key in nature. Any local signage is generally discreet directly related advertising, and this along with characteristics such as narrow pavements lead to an aesthetic which is far from brash or impactful. This appears as a residentially-weighted neighbourhood far removed from a city or town centre.

6. The context I describe all goes to make the existing hoarding something of an anomaly. The 48 sheet advert looks disproportionate to the building it is on, is overly elevated, and is out of place in the locality. 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; as noted above it appears to have deemed consent. Against this visual backdrop and the area's local character I would not support what would appear as a more substantial 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 prominent display which was bolder than the existing and simply not suited in these low-key environs. Additionally, even with oblique angle viewing, the proposal would also intrude upon outlook for nearby residents.
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 other cases in the country 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 that output would be restricted in dark hours and I do recognise that this display, along with fence rail improvements, would be an alteration 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