



Appeal Decision

Site visit made on 6 November 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/Q1445/Z/23/3325542

18A Coombe Road, Brighton, BN2 4EA

- 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 Ms Anna McAree (Build Hollywood Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref. BH2023/01116, dated 13 April 2023, was refused by notice dated 30 June 2023.
 - The advertisement proposed is display of wall mounted timber billboard (non-illuminated) – standard 16 sheet size measuring 3.2 metres x 2.16 metres (retrospective).
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Decision

1. The appeal is allowed and express consent is granted for the display of wall mounted timber billboard (non-illuminated) – standard 16 sheet size measuring 3.2 metres x 2.16 metres (retrospective) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 to the 2007 Regulations.

Preliminary Matters

2. The Council's Delegated Report (CDR) refers to the National Planning Policy Framework (July 2021) (Framework), but since then it has been revised, in September 2023. However, paragraph 136 of the Framework, which deals with advertisements, remains unchanged in the September 2023 version.
3. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does allow the provisions of the development plan to be taken into account if they are material. The Council have drawn my attention to policies DM18 and DM24 of the Brighton & Hove City Plan Part 2 (October 2022) (BHP2) and policy CP12 of the Brighton & Hove City Plan Part 1 (March 2016) (BHP1), but have not indicated which parts of these policies they consider material to this appeal.
4. Whilst policy DM24 deals with adverts, I am not convinced that policy DM18 (High Quality Design) and policy CP12 (Urban Design) are directly relevant given that they largely relate to the high quality of design and urban design criteria expected from new development. However, insofar as these policies seek to generally protect amenity I have taken them into account, as that issue is material in this case. Furthermore, whilst the reason for refusal refers, as I mentioned above, to policy DM18, the text of the CDR refers to policy DM20 (Protection of Amenity). It's unclear which policy reference is correct, but I

suspect its policy DM20 as this relates, amongst other matters, to the visual impact of new development on the amenity of adjoining users and residents. I have determined the appeal on this basis.

Main Issue

5. The main issue is the effect of the timber billboard sign on amenity.

Reasons

6. The appeal site is located on the southern side of Coombe Road and comprises an existing advertising hoarding (billboard) located on the flank wall of 18a Coombe Road. The advert comprises a wall mounted timber billboard, referred to as a standard 16 sheet size measuring approximately 3.2 metres x 2.16 metres. The advert is non-illuminated. The billboard is already in place and express consent is, therefore, sought retrospectively for its retention. The Appellant indicates that the billboard is largely used for community advertising.
7. The billboard is orientated to only face pedestrians and traffic approaching the appeal site, on Coombe Road, from the west. No views of the sign are afforded when approaching, on Coombe Road, from the east. The billboard is sited at ground floor level on the side elevation to an existing shop unit. The latter forms part of a small parade of shops with what appears to be residential accommodation on the upper floors. Beyond the billboard, on the same flank elevation, are a door and windows, which I assume lead to the first floor (of the two storey host building) that again appears to be in residential use. There is also a similar parade of shops diagonally opposite the appeal site, on the other side of Coombe Road.
8. The billboard faces onto a small lane that provides vehicular access to the Big Yellow self-storage building, located to the west of the appeal site. Whilst there are a mixture of old residential properties and new flats to the north (on the opposite side of Coombe Road), views of the billboard from these will, in most cases, be at an oblique angle and/or across a wide busy road, which has extensive street lighting and contains a number of street trees. Some of the shop units, within the same parade as the host property, also have illuminated fascia signs and views further west to the junction of Coombe Road with Lewes Road are dominated by a large retail park and its accompanying signage.
9. The Council acknowledge that a larger 48 sheet hoarding was sited on the same flank wall from around 2009 to 2017. Whilst it is unclear as to when the existing billboard was installed, it is, of course, significantly smaller than the previous hoarding that was in place. As I also confirmed above, the proposed billboard is non-illuminated and it appears that any printed images are simply pasted onto its plywood poster frame.
10. Paragraph 136 of the Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council have not raised any objection to the proposed sign on public safety grounds. In relation to amenity, paragraph 079 of the Planning Practice Guidance (PPG) chapter on advertisements (updated July 2019) states that this usually means the effect on visual and aural amenity. The Council's objection relates to the effect on visual amenity only.
11. Within the above context, I am not convinced from the evidence before me and from my observations on site that the retention of the existing billboard results

in any adverse effect on the visual amenities of the surrounding area. In this respect, I disagree with the Council and consider that the billboard would not be incongruous or visually obtrusive. These findings are supported by the fact that the billboard is non-illuminated and can only be viewed when approaching the appeal site, on Coombe Road, from the west. As I mentioned earlier, this part of Coombe Road is very busy and in terms of local characteristics there are no historic, architectural or cultural features in the area that would, in my view, be harmfully impacted on or adversely affected by the proposed billboard.

12. Turning to views from residential uses, these would mostly be from opposite the appeal site, some at an oblique angle and/or across a wide busy road. Those views that are available would be of a billboard that, in my view, sits comfortably on the flank wall of the host, and whose proportions and siting appear appropriate for its ground floor location on the return elevation to the shop unit. The proposed billboard also adds some colour and interest to this flank elevation. For all the above reasons, I am, therefore, satisfied that the proposed hoarding would not adversely affect the visual amenities of nearby residential occupiers.
13. Therefore, I find that the retention of the proposed non-illuminated timber billboard would not represent an incongruous or visually discordant feature and would not adversely affect the visual amenities of the surrounding area. In reaching this finding I have taken into account policies DM18/DM20 of BHP2 and policy CP12 of BHP1 insofar as these seek to generally protect amenity and secure, in visual terms, a high quality of design, and so are material in this case. Given that I have concluded that the proposal would not harm amenity, the retention of the billboard does not conflict with these policies.
14. I have also had regard to policy DM24 of BHP2, which deals with adverts and the Advertisement Supplementary Planning Document, SPD07 (June 2007). Both seek to ensure that new signs relate well to the function and use of the building on which they are fixed, are sited to avoid harm to visual amenities and where there are residential uses nearby, that signs are of a low key design, limited in size, proportional to the host building and with restricted illumination. For the reasons given above, I am satisfied that the proposed non-illuminated billboard would not conflict with the aims and objectives of policy DM24 or the relevant guidance in SPD07.

Conditions

15. In response to question 13 of part 3 to the Appeal Questionnaire, the Council confirmed that, other than the five standard conditions set out in Schedule 2 to the 2007 Regulations, no other conditions should be applied in the event that express consent, as applied for, is granted.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR