



Appeal Decision

Site visit made on 4 January 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/Q1445/Z/23/3319295

44 Trafalgar Street, Brighton BN1 4ED

- 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 against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/03726, dated 15 November 2022, was refused by notice dated 30 January 2023.
 - The advertisement proposed is the replacement of existing advert with smaller digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form identifies the address as being No. 41 Trafalgar Street. However, this is clearly an error and I have therefore used the correct address as provided on both the Council's decision notice and the appellant's appeal form.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

4. No. 44 Trafalgar Street is located within the North Laine Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Brighton City Centre, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance and layout of the buildings that comprise the Conservation Area. The general appearance of No. 44 is consistent with other buildings in the vicinity, and this ensures that it contributes positively to the significance of the Conservation Area.
5. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
6. In this instance, the proposed digital advertisement would replace a larger paper advertisement. The fact that the proposed advertisement would be

smaller and would also relate better to the architectural design of the building, weighs in favour of the scheme. In addition, the proposed advertisement would require fewer visits for maintenance. However, the digitised nature of the proposed advertisement means that it would be quite different to what is there already. The appellant has suggested that the digital screen would look very similar to a traditional paper advertisement during the daytime. Even if I accept that argument, the fact that the display would instantaneously change every few seconds would unduly draw the eye, particularly as it is at first floor level and therefore in a highly prominent position. The lack of comparable advertisements nearby means that it would appear incongruous and out of keeping with the surrounds.

7. Furthermore, while it is proposed that the screen would only have a luminance of 100cd/m² during hours of darkness, it would still be a highly obvious, dominant and visually intrusive feature in the street scene at night-time. Limiting the hours of operation to between 6am to 11pm would only reduce this harm to a limited degree.
8. In combination, these considerations mean that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area. I therefore conclude that the appeal proposal would have a harmful effect on amenity, and that this harm would not be outweighed by the limited benefits mentioned above.
9. The appellant has provided evidence to suggest that the light spill from the proposed advertisement would not extend to the opposite side of Over Street, and that the amenity of neighbouring residents would be unaffected. There is no reason for me to dispute that finding. However, this does not overcome the identified harm.
10. I have taken into account Policies DM24 and DM26 of the City Plan Part Two, October 2022 (LP2) as well as Policies CP12 and CP15 of the City Plan Part One, March 2016. Taken together, the relevant aspects of these policies seek to protect character and appearance and designated heritage assets and so are material in this case. Given that I have concluded that the proposal would harm amenity, it would conflict with these policies. There would also be conflict with the relevant parts of SPD07 Advertisements, June 2007 which has similar aims. I do not find conflict with LP2 Policy DM20 which seeks to protect living conditions.
11. As acknowledged by the Council, the proposal would not have an adverse impact with respect to public safety. In particular, I have no substantive evidence before me to suggest that the advertisement would negatively impact the safety of road users. This is therefore a neutral consideration, weighing neither for nor against the proposed advertisement.

Conclusion

12. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity. The appeal is therefore dismissed.

C Butcher

INSPECTOR