
Appeal Decision

Site visit made on 2 September 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/T1410/Z/24/3338618

The Helen Gardens, King Edwards Parade, Eastbourne, BN20 7XL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Roger Myall (Cadence Ltd) against the decision of Eastbourne Borough Council.
 - The application Ref is 230758.
 - The advertisement proposed is described as two freestanding flag adverts.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was for two freestanding flag advertisements. The appellant indicated in their appeal submission that they would be content with a single flag. Although an appeal is not the forum to evolve a scheme, I sought the Council's comments and the appellants response on this matter. I have taken these into account in my decision.
3. The Council does not object to the proposal on safety grounds. There is no compelling reason for me to disagree.

Main Issue

4. The appeal site is located within the Meads Conservation Area. Consequently, the statutory duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. The main issue is therefore the effect of the proposed advertisements on the visual amenity of the area, with specific regard to the Meads Conservation Area (MCA).

Reasons

5. The application site is shown on the submitted drawings as encompassing a linear strip of land within Helen Gardens, adjacent to the Dukes Drive footpath. Helen Gardens is one of a number of areas of public open space positioned between the built-up area of this part of the town and the sea.
6. Helen Gardens is within the MCA, which encompasses a large area on the western side of Eastbourne. It seems to me that the special interest and significance of the MCA, is in part derived from the variety and architectural value of its historic buildings and the spaces in and around them. These denote the town's evolution as a settlement and seaside resort and respond to

the topography of the area, providing opportunities for open, uninterrupted views towards and across the coastal areas.

7. The Planning Practice Guidance (PPG) advises that amenity is usually understood to include visual and aural amenity in the immediate neighbourhood of an advertisement. In relation to areas with important historic and architectural features, whether the advertisement is in scale and in keeping with them can be a material consideration. Paragraph 141 of the National Planning Policy Framework (the Framework) states that the quality and character of a place can suffer when advertisements are poorly sited and designed.
8. There are few commercial uses along this part of Dukes Drive, with little in the way of advertisements. Street furniture and signage appears to have been kept to a minimum and the historic lamp posts are modest in their appearance and height.
9. The proposed flags, would be some 5m in height, and so particularly prominent in views along Dukes Drive. In this context they would stand out as unexpected and intrusive features. They would be out of keeping with Helen Gardens and the street scene, which is otherwise largely open and free of such features and advertisements, a factor which contributes positively to the character and appearance of the area.
10. I am mindful that the flags would be displayed from 0800 hours to 1700 hours each day and removed outside of these times. I have also considered whether a single flag, as suggested by the appellant would avoid harm to the area. However, even these factors would not overcome the advertisement being seen as a discordant feature within this setting when it was being displayed.
11. For the above reasons, I conclude that the proposed advertisement would unacceptably harm the visual amenity of the area and would fail to preserve or enhance the character or appearance of the MCA. This would, given the scale of the proposal, be less than substantial harm.
12. In these circumstances Paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal. The signage would benefit the cafe in attracting customers, which in turn would benefit the local economy. The scale of this would be limited in terms of the wider economy so this attracts limited weight in support of the scheme and does not outweigh the identified harm to the MCA which carries great weight.
13. Accordingly, the proposals would conflict with guidance in the Framework and Policies D10 and D10a of the Eastbourne Core Strategy 2013 and saved Policies UHT1 and UHT15 of the Eastbourne Borough Plan 2003 which, insofar as they are material to this appeal, collectively seek to ensure proposals preserve or enhance designated heritage assets including their setting and positively contribute to the character of the environment and appearance of the townscape.

Other Matters

14. Although there were no objections from the Council's internal consultees to the proposal, the Framework requires that development creates places that provide a high standard of amenity for both existing and future users and add

to the overall quality of the area. The harm that I have identified exists irrespective of whether or not such internal objections have been received.

15. I have been referred to a separate banner on the opposite side of the road and been provided with a photograph of it. However, it was in a different position at the time of my site visit and so I have some doubts as to whether it has the benefit of express advertisement consent. Furthermore, it does not overcome the harm I have identified above. It therefore does not provide a basis on which to allow this appeal.

Conclusion

16. For the reasons given above, the appeal should not succeed.

Stewart Glassar

INSPECTOR