



Appeal Decision

Site visit made on 22 April 2025

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/Q1445/Z/25/3363269

94 North Road, Brighton, BN1 1YE

- 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 Wildstone Estates Limited against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/03066.
 - The advertisement proposed is described as 'conversion of 1no poster advertisement display to D-Poster'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within the North Laine Conservation Area (CA), which derives much of its special character from its irregular grid of often narrow streets, and its rows of houses and terraces varying between 2 and 3 storeys, resulting in a strong sense of enclosure. It is the quality and character of the townscape as a whole which is important to its special character, including its lively mix of land uses.
4. 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.
5. The appeal property is located on the north side of North Road, on a prominent corner at the junction with Robert Street. North Road is one of the busier vehicular routes running west-east through the CA. This part of North Road is mixed in character comprising modern mainly three storey buildings often with commercial ground floors with apartments above, as well the more characterful 2 and 3 storey terraces that are consistent with the CA's special character.
6. The appeal building forms part of a three storey terrace along North Road, which contains a variety of ground floor commercial uses. It is also attached via a single

- storey garage to a row of smaller scale two storey terraced dwellings that front onto Robert Street. Both of these terraces are of an age, form and appearance consistent with those which contribute to the special character of the CA.
7. The appeal proposal would replace an existing large non-illuminated paper and paste advertisement on the side wall of no 94, facing Robert Street which highly dominant in the street scene. The Council point out that this advertisement does not benefit from advertisement consent although it has been displayed on the site for many years and consequently is immune from enforcement action.
 8. I acknowledge that there are a wide range of fascia and projecting signs in the immediate area, some of which are illuminated as well as other non-illuminated posters. The proposed display would also be slightly smaller than the existing paper and paste advertisement and would be reorientated so that two small, infilled windows on the flank elevation of the building would no longer be obscured.
 9. However, the proposed digital poster, by virtue of its modern materials, overall size and height above ground, together with its prominent siting and extent of internal illumination, would stand out as an inappropriate, inharmonious and visually intrusive feature in the street scene. Consequently, it would detract from the character and appearance of nearby buildings and would dominate the local environment and the narrow street below. I therefore find that the proposal would fail to preserve or enhance the character or appearance of the CA and would therefore, be harmful to the amenity of the area.
 10. Furthermore, the proposed advertisement would be visually intrusive and harmful to the amenity of occupiers of nearby houses and apartments. I acknowledge that the screen would be able to adjust to changes in the ambient light to ensuring that the brightness would decrease in low light conditions. However, even during daytime I consider that the illuminated digital poster, given its size and siting in close proximity to residential users, would be visually oppressive and harmful to their amenity.
 11. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policies CP12, and CP13 of the Brighton & Hove City Plan Part One (2016) and Policies DM24 and DM26 of the Brighton & Hove City Plan Part Two (2022) together with Supplementary Planning Document 07 Advertisements guidance seek to protect amenity and so are relevant in this case. The Council has also referred to Policy C15 of the LP Part One. I assume this policy was referred to in error as I have been provided with Policy CP15 which relates to Heritage and seeks to conserve and enhance heritage assets. The appellant also refers to this policy within their statement and has not therefore been prejudiced by me taking it into account. I have concluded that the proposed advertisement would harm amenity and therefore the proposal conflicts with the above policies.

Other Matters

12. I acknowledge the positive benefits of digital advertisements as highlighted by the appellant, but these do not outweigh my concerns regarding the harm that would be caused to amenity.
13. I have also noted the examples provided of other digital posters that have been granted advertisement consent within Conservation Areas or on other heritage

assets in various locations across the country. However, I am required to determine the appeal on its own merits in relation to the individual circumstance of the case.

14. The appellant also highlights an example close to the appeal site, at 15 North Road (LPA ref. BH2023/01583). However, this application was for an internally lit fascia sign of modest dimensions, sited on a modern building above the entrance to Helm Gallery and is not therefore, comparable to the appeal proposal.

Conclusion

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

J Davis

INSPECTOR