



Appeal Decision

Site visit made on 24 April 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/Q1445/Z/25/3361429
52 Norfolk Square, Brighton, BN1 2PA

- 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 and Hove City Council.
 - The application Ref is BH2024/03065
 - The advertisement proposed is erection of new digital poster display
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In reaching my decision I have applied Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that when assessing proposals for new development within a Conservation Area (CA), special attention shall be paid to the desirability of preserving or enhancing its character or appearance.

Main Issue

3. The main issue is the effect the proposal would have on the visual amenity of the area, with particular regard to the preservation or enhancement of the Montpelier and Clifton Hill Conservation Area.

Reasons

4. The appeal property occupies a prominent position on the corner of Norfolk Road and Western Road, opposite Norfolk Square. The site is situated within the Montpelier and Clifton Hill Conservation Area where there are a large number of the buildings dating from the early 19th century. As such, insofar as is relevant to this appeal, the significance of the Conservation Area is founded on the architectural detailing and arrangement of the traditional buildings within it.
5. The appeal property, No 52 Norfolk Square comprises a 19th century four storey end of terrace building which accommodates commercial uses on the ground floor and a variety of rooms above in other uses. The south facing elevation (facing Western Road) has a shop frontage at ground floor level with segmental bay windows above. The west facing elevation sees a continuation of the shop frontage at ground floor and a number of sash windows above. The elevation also has a

large blank expanse which currently accommodates a conventional paste and paper advertisement display in a landscape format.

6. No. 52 forms part of a well preserved and well used historical townscape, a highlight of which is Norfolk Square itself; a small but well preserved set piece development combining imposing terraced housing and a pleasantly landscaped town square with mature trees.
7. The area is characterised by busy and vibrant commercial frontages at ground floor level. Whilst there is an abundance of signage in the area, for the most part, this is shop signage, at fascia height. The upper floors of the buildings have a high degree of uniformity in appearance, scale and style and remain largely original; these appear more sensitive to change. The current paste and paper display on No. 52 appears somewhat of an anomaly, a rare intervention above ground floor level in this area.
8. The proposal is for the replacement of the current display with a modern digital format display (D-Poster) in approximately the same location. The proposed display would be erected in a portrait orientation and would be approximate 25% smaller. The appellant has stated that the quality of the image produced on the D-Poster is intended to mimic that of a traditional poster and paste display with a system of threshold controls, timers and light sensors to control illumination.
9. The appellant has suggested a number of conditions controlling the level of illumination, restricting the display to static advertisements only and limiting the minimum display time for each advertisement to at least 10 seconds. I note that the proposed level of illumination would accord with the Institute of Lighting Professionals guidance and the LPA's Supplementary Planning Document concerning advertisements (SPD 07).
10. However, the current display is uncharacteristic of what is generally a well-preserved historic environment. Although the current display does detract from the historic character of the area, the impact is limited by the nature of traditional advertisements. Traditional paper and paste advertisements appear, on the whole, less prominent than modern D-Posters due to the static nature of each advertisement, which often remains in situ for a number of weeks or months. As such, they have more of a tendency to fade into the background. Furthermore, and despite the attempts to mimic traditional advertisements, the images produced by D-Posters do appear more vivid and saturated than their paper and paste counterparts, especially at night.
11. The dynamic nature of a D-Poster is intended to be eye-catching. In this case consent is sought to change the image up to every ten seconds. The nature of the advertisement combined with the conspicuous position, above street level, on a street corner and adjacent to a busy road, will give the advertisement a harmful degree of prominence in a sensitive area. The proposal would detract from the historic character of the CA, being an unwelcome, modern addition that would conflict with quality of the architecture and the gentle character of Norfolk square.
12. For these reasons, it is therefore considered the proposal would fail to preserve or enhance the character or appearance of the CA harming its significance as whole.

13. In reaching these conclusions, I acknowledge the benefits of digital advertisement cited, however, none of these are sufficient to outweigh the harm I have identified. I also note the various examples of similar advertisements, however, my findings are based on the specific scheme and its immediate context which is not directly comparable. I do not consider that the conditions proposed, or any others would be sufficient to mitigate the harm I have identified.
14. Overall, I therefore find the proposal would have an unacceptable impact on the visual amenity of the area. The proposal also fails to accord with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One (2016), which seek to raise the standard of architecture and design, positively contribute towards the network of public streets and spaces, and conserve and enhance the city's historic environment. I also find the proposals conflict with Policies DM24 and DM26 of the Brighton & Hove City Plan Part Two (2022) which requires advertisements to not harm visual amenity or adversely affect public safety and to preserve or enhance the distinctive character of Conservation Areas. For the same reasons the proposal does not accord with Supplementary Planning Document 7 (advertisements) (2007). These are material considerations that further weigh against the proposal.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

JJ Packman

INSPECTOR