



Appeal Decision

Site visit made on 21 July 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 AUGUST 2025

Appeal Ref: APP/Q1445/Z/25/3366510

50 Kings Road, Brighton and Hove, Brighton BN1 1NA

- 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 Mr Justin Manning of Sales Solutions (Southeast) Ltd against the decision of Brighton and Hove City Council.
 - The application Ref is BH2024/03120.
 - The advertisement is for the display of internally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description during the consideration of the application to read 'retrospective application for the display of internally illuminated fascia sign'. This is a more concise description and removes superfluous text from that set out in the application form. I have taken the description above and am satisfied that the cases of the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.
3. At the time of my site visit I saw that the signage had already been erected. I have dealt with the appeal on the basis that advertisement consent is sought for the display of an internally illuminated fascia sign and updated the banner heading accordingly.
4. The Advert Regulations confine the assessment of advertisements to issues of amenity and public safety. The Council has not raised any concerns on public safety grounds and I have no reason to disagree.

Main Issues

5. The effect of the advertisement on the amenity of the area which includes the Old Town Conservation Area (CA) and the setting for the Grade II listed 'Railings to the Esplanade'.

Reasons

6. The appeal site is a ground floor restaurant premises and is part of a multi storey building prominently located within the CA on the corner of Middle Street and facing Kings Road which is a major tourist route on Brighton Seafront. The adjacent property (No 49) has been unified into No 50 on the ground floor as one business (Buddies).

7. In accordance with the statutory duty set out in Section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The CA has formed the economic, social and civic core of Brighton and has evolved as a focus for the development of Brighton as a tourism destination. Kings Road is acknowledged as having buildings with canted bays that have either been stripped of their detail or never had it in the first place. The loss of architectural detail, particularly the timber-framed windows of buildings constructed in the eighteenth and nineteenth centuries is notable and can result in a cumulative negative impact which drives down the perception of the area's special interest and the quality of its historic character.
9. Ensuring that new proposals contribute to the preservation and enhancement of the area is one of the key purposes of designating a CA. The CA Character Statement highlights opportunities to enhance the qualities of the area and has identified areas of garish modern shop fronts with over-sized fascias and awnings in unsympathetic materials that detract from the architectural interest and quality of the CA.
10. The timber fascia panel that the advertisement is displayed upon disrupts and obscures historic architectural features such as a decorative column and several bay windows. Although these features may well be retained behind the fascia panel, the presence of the fascia panel blocks the features from show and disrupts the appreciation of the decorative column in particular. The panel lacks detailing and articulation and dilutes the historic character of the building as the panel is unbroken and does not take into account the separate commercial frontages.
11. The location of the advertisement on the fascia panel is poorly sited and does not appear to reflect the width of the appeal site on the frontage. The design of the advertisement is generic, bulky and inappropriate within a CA. The advertisement neither preserves or enhances the CA and this harm is given significant weight.
12. The premises are located within the setting of the Grade II listed 'Railings to the Esplanade' (railings). The railings date between 1886 and 1894 and are constructed of cast iron and wood. The design of the railings is of plain panelled piers having gadrooned finials with flights of steps down to the groyne. A bay or recess in the railings can be found at the end of Middle Street with piers carrying fluted lamp standards with spiked octagonal lanterns. The railings are located opposite the site on the other side of Kings Road and therefore the site is within the setting of the railings.
13. The advertisement is seen in views to the north from the Esplanade with the railings in the foreground. Although the advertisement is seen as part of a wider backdrop to the railings, it undermines the appreciation of the railings and causes less than substantial harm to the significance of the Grade II listed railings and the setting within which they are appreciated.
14. Having regard to the scale of the advertisement and its visual effects, I consider the advertisement causes less than substantial harm to the significance of the CA and to the setting and significance of the railings. In such circumstances, the National Planning Policy Framework (the Framework) states the harm caused should be weighed against the public benefits of the proposal.

15. The appellants have put forward that if it is not permitted to display an advertisement sign the existence of the business will be at risk, along with the economic stability of its employees. Whilst I have taken the economic considerations into account as a public benefit it has not been demonstrated that the fortunes of the business hang directly on the advertisement. Even if the appeal were to be dismissed, alternative proposals may enable advertisement signage to be displayed. However, this would be a matter for the appellants to consider in liaison with the Council. The benefits of the current signage would not outweigh the harm caused to the significance of the CA and the railings.
16. For these reasons, I conclude the advertisement would have a harmful effect on the amenity of the area. The Council has drawn my attention to Policies CP12 and CP15 of the Brighton and Hove City Plan Part One, and Policies DM24, DM26 and DM29 of the Brighton and Hove City Plan Part Two. Whilst I have taken these policies into account as a material consideration, the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. These are matters which must be determinative.

Other Matters

17. Whilst there maybe examples of other advertisements which are more colourful and the signage proposed maybe near identical to that previously used although potentially less bright, I do not have the planning history for the previous signage or those referred to by the appellant to know the circumstances under which they were constructed or their status with regard to advertisement consent and therefore cannot draw any direct comparison that would weigh in its favour. In any event, each case must be determined on its own merit and the presence of other signage does not overcome the harm I have identified.
18. I note the absence of feature flashing lights or multiple advertisements with conflicting designs, however, the absence of these features does not automatically make the advertisement acceptable, especially within a conservation area.
19. I accept that the appellants feel targeted by the Council by receiving the refusal. However, this is not a matter that I can consider under this appeal and does not alter my findings, in which I have had regard solely to the effect of the signage on amenity.

Conclusion

20. For the reasons given above the appeal is dismissed.

C Coles

INSPECTOR