



Appeal Decision

Site visit made on 8 September 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/Q1445/Z/25/3364386

3 Pavilion Parade, Brighton BN2 1RA

- 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 Alight Media against the decision of Brighton and Hove City Council.
 - The application Ref is BH2025/00413.
 - The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.
3. The appeal site relates to a building within the Valley Gardens Conservation Area. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), in so far as it relates to the consideration of amenity. The building onto which the digital display will attach is a Grade II listed building and there are other listed buildings in the vicinity. Although the Council has not referenced the effect on the listed buildings in its decision notice, this is mentioned in the officer report. The National Planning Policy Framework (the Framework) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. It also sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

4. The main issues are:
 - The effect of the proposal on the visual amenity of the area with particular regard to designated heritage assets; and
 - The effect of the proposal on public safety.

Reasons

Visual amenity

5. 3 Pavilion Parade is prominently sited on the corner of Edward Street and Pavilion Parade at a busy road junction. It stands at the northern end of an imposing terrace of former dwellings which face towards the grounds of The Royal Pavilion. The appeal building is a Grade II Listed Building (named Numbers 3 and 4 and attached railings). The list description mentions that the two buildings are terraced houses dating from 1800, constructed in painted cobbles with painted brick dressings and rise to four storeys. It describes the ornate, classical architectural detailing of the front elevation including the segmental bays with sash windows, balconies with cast iron balustrade, and external steps with railings. The appeal building is clearly viewed from the surrounding streets and forms part of a group with other listed buildings alongside (5 and 6-11 Pavilion Parade) which exhibit similar period characteristics.
6. From the details available to me, and my own observation, I consider that the significance of these listed buildings, insofar as it relates to this appeal, is predominantly derived from the buildings' age, form, historic fabric and ornate architectural detailing. The buildings reflect the area's historical development during the late 18th and early 19th centuries and are part of a high quality streetscene. The Grade I Listed Royal Pavilion opposite is set in landscaped grounds and is a landmark heritage asset, and forms part of the group. It is a building of exceptional interest which was built for the Prince of Wales in the 18th and 19th centuries in an extravagant and ornate Mughal-inspired architecture. All these buildings, including the appeal property, lie within the Valley Gardens Conservation Area which runs in a linear fashion from The Palace Pier northwards and includes some of Brighton's most significant historic buildings and open spaces. The area's character and appearance, and thereby its significance, is varied and mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them. It has numerous landmark buildings and long linear viewpoints and is a mix of mainly residential and commercial buildings. Although Pavilion Parade may be on the edge of the conservation area this does not diminish the contribution that the buildings make to the area's significance.
7. The advertisement would be attached to the gable end of the appeal property, to the right of several windows. The elevation drawing shows that the advertisement would be located mid-way up the gable, extending horizontally towards the building's frontage. The digital display would show static, sequential images, with changes no more frequently than ten seconds, with illumination controlled by light sensors to vary brightness according to conditions.
8. The proposed advertisement would be a noticeably striking feature on the building. Its illumination, high resolution imagery, typically vibrant colours and changing images is designed to attract attention and would appear dominant, garish and out of place on this historic building. Although the gable end is relatively plain and no features would be concealed by the proposed digital display, it would draw the eye away from the architectural detailing of the frontage and would be a strident and jarring distraction. It would compromise the ability to understand, appreciate, and experience the building's architectural and historic significance both in close and more distant views within the streetscene. Even with the suggested controls

and planning conditions to adjust the levels of illumination and taking account of the background levels of illumination, the sign would still appear brash and garish.

9. The expansive advert at relatively high level would be a dominant focal point in the street scene. It may face towards more modern buildings on the opposite side of the street but in views from the north at the road junction and beyond, the proposal would detract from the ability to appreciate the significance of the nearby listed buildings in Pavilion Parade. Similarly, although views of the Royal Pavilion are filtered by the mature landscaping, there is still an awareness of the building's presence even though it may not be fully on view and the proximity of the proposed display would be unquestionably harmful. Clearer views would also be afforded in the winter months. The proposal would cause considerable harm to the significance of the host building and nearby listed buildings including harm to the exceptional interest of the Royal Pavilion. Likewise, it would cause harm to the character and appearance of the conservation area.
10. I saw few other advertisements in the immediate area and those that were present were typically small and at low level and more visually muted reflecting the historic context. The proposal would therefore appear wholly uncharacteristic of other signage in the area.
11. I have considered other digital advertising displays suggested as being comparable to this appeal proposal. At 55 Queens Road in Brighton, whilst there may be similarities, it does not appear to be attached to a listed building or in proximity to other listed buildings, and I found this to be a more vibrant retail area. At Graylaw House in Stockport, the advert appears in an area with a more industrial character, very different to the ornate, classical residential terraces near to the appeal site. Therefore, it has not been satisfactorily demonstrated that these examples are comparable to the proposal before me, and I must base my decision on the specific circumstances presented.
12. The proposal would therefore have a significantly harmful effect on the visual amenity of the area. It would harm the significance of a Grade II listed building and the contribution that the setting makes to the significance of nearby listed buildings. It would also harm the character and appearance of the conservation area and would therefore not meet the expectations of the Act. It would conflict with Policies CP12 and CP15 of the City Plan Part One (2016) and DM20, DM24, DM26 and DM40 of the City Plan Part Two (2022) which seek to protect amenity and heritage assets and are relevant to this case. There is also conflict with the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Highway safety

13. The Planning Practice Guidance (PPG) recognises that adverts are intended to attract attention, but proposed advertisements are more likely to affect public safety where drivers need to take care, including at road junctions. The PPG gives examples of advertisements which may cause a danger to road users including where they would confuse a road-user's view, reduce the clarity of a traffic signal or distract because of their unusual nature. Internally illuminated signs may also cause danger as a result of their colour, causing confusion with traffic lights, or danger to road users from glare or dazzle, or frequent changes of display.

14. Drivers may be used to visual distractions in urban areas and there may be examples of permitted advertisements close to traffic lights, but in this appeal the Council is concerned that the light from the display would cause confusion with the lights of the traffic signals. The submitted visual in the appellant's appeal statement suggests that the advertisement would be in an elevated position above the traffic signals. However, the elevation drawing indicates that the display would extend to a lower position on the building, thus increasing the possibility that the traffic signals and advertisement would overlap.
15. Having viewed the relationship on site, it appeared to me that from some positions in the carriageway approaching the junction from the north, traffic signals would be viewed in front or near to the digital advertisement. Given the arrangement of the junction and the position of other traffic signals, I am not satisfied from what I have seen and read that drivers at or approaching this busy road junction would be able to clearly see the necessary traffic signals from some positions. Whilst the digital image would be static, the changing images would diminish the brightness of the traffic signals, as well as causing a distraction.
16. Whilst the digital display at Oldham shares some similarities and indicates an overlapping between the traffic signal and digital advertisement, the Inspector mentioned that alternative signals would remain unobstructed. I am not certain that this would be the case with the proposal before me and neither do I have adequate information to fully understand whether the nature of the road junction would be comparable. I have therefore determined the appeal proposal on its own merits and on the evidence before me.
17. I conclude that it has not been adequately demonstrated that there would be no harmful effect on public safety. As such, the proposal would conflict with City Plan Part Two Policies DM24 and DM33, which are material to this case and seek, amongst other things, to ensure that illuminated adverts do not adversely affect public safety. It would also conflict with the Framework and the PPG.

Conclusion

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

G Bayliss

INSPECTOR