



Appeal Decision

Site visit made on 1 December 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/Q1445/Z/25/3374643
46-49 Kings Road, 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 against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/00995.
 - The advertisement proposed is back lit illuminated letters signage above the shop front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development and the address of the site from the planning application form although I note these are expressed differently in other documents.
3. The description of the proposed development provided on the Council's decision notice indicates that the development has already taken place, however, the planning application form does not indicate this to be the case. Signage similar to that illustrated within the plan details pertaining to the planning application submission were in place at the time of my visit. However, it is not clear whether that signage installed accords fully with the proposal that is before me. I have considered the proposal on the basis of the plans that are before me. Notwithstanding this, the timber fascia at the site extends across the front of No.46 to No.50. As such, I have been able to assess elements of the proposed signage and its impact upon the existing building and street scene.

Background and Main Issues

4. The provisions under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require the local planning authority to assess the proposed development solely on the basis 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.
5. The main issues are the effect of the siting of the proposed advertisement on amenity, that being the character and appearance of the area, and having regard to the Old Town Conservation Area (the CA) and the Grade II Listed railings to the Esplanade.

Reasons

6. The property falls within the CA. CA designations recognise architectural characteristics or historic values of an area that make such areas special and worthy of CA status. Kings Road comprises buildings with canted bays and that host pillars and architectural detail at ground floor. Some of this detailing is still visible within this street scene and this give the locality special interest. The loss of such architectural detailing can result in a cumulative negative impact that would erode the quality of its historic character and appearance and diminish the area's special interest that gives it its significance. The appeal property falls within the CA and, therefore, forms part of its significance.
7. The premises is located within the setting of the Grade II Listed railings to the Esplanade. These railings are historic, constructed of cast iron and wood, and are a prominent and distinctive feature of the Kings Road and the wider context of Brighton's seafront promenade. The railings, therefore, have special interest and significance, justified by their listed status. The premises is therefore within the setting of the heritage railings.
8. The timber fascia would extend across the front of No.46 to No.50. This disrupts and obscures historic architectural features, such as, a decorative column on no.50 and the lower part of the upper bay windows. I have been provided with a photograph that shows that historic signage boxes have covered the lower portion of the bay windows. A further aerial image points to other premises with signage boxes. Whilst this may be the case, this does not justify the harm that arises as a result of obscuring historic architectural features that contribute to the character and appearance of the area and the CA that forms part of its significance.
9. One of the building's most dominant features are the bay windows that provide vertical emphasis to the architecture of the building that contributes positively to the character of the street scene. The unbroken horizontal length of the fascia panel appears at odds with the vertical architectural style of the host building. The signage itself hosts horizontal timber batons that contribute to the horizontal emphasis of the signage. Furthermore, the use of timber as a component material of the sign does not fit with the context of any of the existing signage within this street scene.
10. Separate wording at intervals is proposed across the signage. However, the text relates poorly to the window/door openings of the premises below. Furthermore, the text would be of different design for the three separate sets of wording. This lacks visual cohesion to the shared fascia panel that extends across more than one shop front. Furthermore, the fascia is slender in height. The free standing illuminated letters would appear large and bulky within the context of the slender wooden backdrop of the fascia. The text would appear disproportionately bulky and, being illuminated, would have a dominant appearance upon the fascia. I acknowledge that the lettering may be smaller and less visually dominant when compared to that of other signage close by. Nonetheless, this does not overcome my above concerns regarding the signage and does not justify a sign of negative appearance.
11. Taking these factors collectively, the proposed signage would have a visually harmful impact upon the host building and its historic architectural features and the wider street scene, given its poor design and unsympathetic appearance. It would

dilute the historic character of the building and represent signage inappropriate within a CA. The advertisement neither preserves or enhances the CA and I give this harm significant weight. The proposal would undermine the purposes of the CA designation. Furthermore, the advertisement would be seen within the context of the setting of the listed Esplanade railings. The proposed advertisement would undermine the appreciation of the railings, their special interests and significance.

12. Given the size and scale of the advertisement and its visual effects, I consider there would be less than substantial harm to the significance of the CA and to the setting and significance of the railings. In accordance with paragraph 215 of the Framework, I must weigh the harm against the public benefits of the proposal. The proposal would support the city's leisure economy and encourage employment. The signage would improve visibility and direct visitors to the commercial activities. The proposal would provide a benefit to the local economy. However, this public benefit would be modest. There would be no clear benefit to the public that would sufficiently outweigh the harm identified to the significance of the CA and the railings. I conclude therefore that the proposal would fail to accord with national policy.
13. I am advised that the signage boxes provide structural support to the bay windows above. Repair works in 2021 provided reinforcement of the bay window bases using galvanised steel rods and a new fascia structure. 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 or that the box itself is structurally essential.
14. The appellant has offered to undertake changes to the fascia signage, such as, introducing vertical breaks, harmonising the spaces across the three brand names and adjusting illumination levels or timing. It is suggested that this could be secured by way of a suitably worded advertisement consent condition. I do not consider that it would be appropriate to rely on the imposition of such a condition as there is no substantively clear indication that it would ameliorate my concerns relating to the signage sufficiently to allow advertisement consent to be granted.
15. For these reasons, I conclude that the advertisement would have a harmful effect on the amenity of the area. I have taken into account 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 that require development to be of high quality, in particular advertisements, and that require the historic significance of the city's built heritage to be preserved or enhanced. 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.

Conclusion

16. For the reasons set out above, the appeal should be dismissed.

Nicola Davies

INSPECTOR