
Appeal Decision

Site visit made on 24 June 2014

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 July 2014

Appeal Ref: APP/Q1445/H/14/2218887

International Casino Club, 6 Preston Street, Brighton BN1 2HN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent to display an advertisement.
 - The appeal is made by Mr Richard Jackson (Genting Casino UK Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/00638, dated 26 February 2014, was refused by notice dated 13 May 2014.
 - The development proposed is a vertical internally illuminated projecting sign.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the advertisement on the character and appearance of the area.

Reasons

3. Preston Street forms part of the Regency Square Conservation Area, where special attention must be paid to the desirability of preserving or enhancing its character and appearance. The buildings in the area are closely related to the historical development of Brighton as a seaside resort. The west side of the road has a mix of Victorian properties arranged in pairs or terraces, with the exception of the appeal property. The appeal property is a large modern building with a projecting veranda above the ground floor and large bays on the first and second floors. It has a prominent presence in this part of the road. Both sides of the road are lined with shops and other businesses, with residential or other uses above.
4. As to be expected in this town centre area, there is considerable variety to the signs and fascias at ground floor level. There are a small number of signs above ground floor level, much further north of the appeal site at the junction of the Preston Street with Western Road. However, the presence of signs above the fascia is very limited within the immediate vicinity of the appeal site.
5. The vertical internally illuminated sign would be sited above the ground floor of the appeal property on a blank area of wall on the front elevation, between windows on the north side of the appeal property and the adjoining Victorian building. The eye would be drawn to the bright illuminated white lettering, red logo and black satin finish of the sign, which would jar against the plain walls of

- the front elevations and the windows on the appeal property and adjacent building.
6. In addition, the red LED tubing, which would face towards the east, would be highly visible from the pavement on the opposite side of the road. Moreover, due to the length of the sign, stretching for some distance between the first and second floor of the appeal property, it would appear as a dominant and incongruous element, particularly against the smaller scale features of the adjoining building to the north.
 7. The sign would not project beyond the bay windows of the appeal property. However, due to a slightly flatter facade on the adjoining property to the north, the sign would appear to protrude out from the main front elevation when looking south towards the building from both pavements and consequently would be highly visible. The sign would therefore be in stark contrast to the appearance of buildings and signs in the area. I conclude that the sign would adversely affect the character and appearance of the Regency Square Conservation Area.
 8. The appellant refers to a sign located above premises close to the appeal property, which I noted on my site visit, although it was not illuminated at the time. In any event, its presence does not allow something I have found harmful to the visual amenity of the area.
 9. The Council has drawn my attention to a number of policies in the Brighton and Hove Local Plan (2005) as well as Supplementary Planning Document 07: Advertisements. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies and guidance have not, themselves, been decisive.
 10. I understand the concerns of the appellant regarding the way in which the Council dealt with the planning application process. However, I must deal with the proposal before me.
 11. For the reasons given above, I conclude that the appeal should be dismissed as the sign would be detrimental in the interests of amenity.

L Gibbons

INSPECTOR