
Appeal Decision

Site visit made on 7 July 2014

by **Jim Metcalf BSc DipTP MRTPI**

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

Decision date: 16 July 2014

Appeal Ref: APP/Q1445/H/14/2219792

Dirty Blondes, 75 East Street, Brighton, BN1 1NF

- 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.
 - The appeal is made by Eclectic Clubs and Bars Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/00804, dated 12 March 2014, was refused by notice dated 14 May 2014.
 - The advertisement proposed is a fascia sign, two hanging signs and a menu board.
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Procedural Matters

1. The signs have been installed and I have considered the case on that basis.
2. Three of the proposed signs were granted consent by the Council. One of the hanging signs was refused consent. The appellant has appealed this decision. In granting consent for the three signs the Council found that they would not harm the amenity of the building, the street scene, the Old Town Conservation Area or Listed Buildings nearby. I agree with this conclusion. Consequently, whilst all of the four signs described in the application are before me for consideration I have limited my assessment to the northern hanging sign.

Decision

3. The appeal is allowed and express consent for the display of the fascia sign, two hanging signs and a menu board as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main Issue

4. The main issue is whether the northern hanging sign preserves or enhances the character or appearance of the Old Town Conservation Area and the setting of nearby Listed Buildings.

Reasons

5. Policy QD12 and HE9 of the Brighton and Hove Local Plan (LP) and the Council's Supplementary Planning Document 07 'Advertisements' refer to the display of advertisements. LP Policy ST29 lists criteria that all new development should comply with. However, powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public

safety. Development Plan policies cannot be decisive but I have taken them into account, so far as they are material to my considerations

6. Dirty Blondes, at the corner of East Street and Brills Lane, has a wide 'double' frontage in a prominent building in the Old Town Conservation Area, close to the sea-front. The building, formally the Savoy Cinema, was described in 2010, by an Inspector who dealt with a previous appeal (*APP/Q1445/A/09/2116160*) at the site, as a 'building of elegance and grandeur', with a 'curving frontage onto East Street of particular note'. The Inspector found that the stature and design of the building makes an important contribution to the character and appearance of the Conservation Area.
7. Although used as a night-club the ground floor windows of Dirty Blondes are dressed like a shop-front. The signs that have been granted consent advertise the presence of the club, with the southern hanging sign close to the entrance. The northern hanging sign is at the opposite end of the frontage, close to other separate units, albeit in the same building. There is a projecting sign over the door of this other unit, 'Platinum Lace'.
8. The sign subject of appeal measures about 900 x 580mm and hangs by short chains from a bracket about 1.2m long. It is internally illuminated. All four signs are part of recent refurbishment work and are designed to locate the club in the street for night time customers. The appellant submits that as a 'fall-back' position the sign, if non-illuminated, could be displayed without needing express consent by virtue of Class 5 of The Town and Country Planning (Control of Advertisement) (England) Regulations 2007. As well as the external signs a bright illuminated sign in the window helps to advertise the presence of the club.
9. The two hanging signs, at each end of the wide double-frontage, sit in a symmetrical relationship with the approved fascia sign. In the context of the large building the signs are modest features and relate satisfactorily, as a pair, to the scale and proportions of the frontage and the building. The presence of two signs, as opposed to the one as approved, does not create an obtrusive feature in the street scene or give the building a cluttered appearance.
10. On this basis, and bearing in mind the 'fall-back' position that would allow for the display of a non-illuminated hanging sign of the size and in the position involved, I find that the northern hanging sign preserves the character and appearance of the host building, the street scene, the Old Town Conservation Area and the setting of nearby Listed Buildings.
11. In granting consent I have imposed the five standard conditions set out in the Regulations. I have not however, imposed two other conditions, as imposed by the Council, relating to public safety and the nature of the illumination. These are unnecessary, bearing in mind the form and location of the signs and the terms of the consent that is limited to the signs as applied for, which does not include intermittent lighting.

Jim Metcalf

INSPECTOR