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## Appeal Decision

Site visit made on 31 March 2015

**by Paul Dignan MSc PhD**

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

**Decision date: 07 May 2015**

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**Appeal Ref: APP/Q1445/H/14/2214290**  
**109 London Road, Brighton, BN1 4JG.**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
  - The appeal is made by J C Decaux Ltd against discontinuance action by Brighton & Hove City Council.
  - The Council reference is ENF/2013/0317. The Discontinuance Notice is dated 30 December 2013.
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### Decision

1. The appeal is dismissed. The Discontinuance Notice shall come back into effect immediately and the use of the site for the display of advertisements with deemed consent shall cease by the end of 9 weeks from the date of this decision.

### Reasons

2. The main issue is whether the continued use of the host building's flank wall for the display of advertisements with deemed consent would be substantially injurious to visual amenity.
3. The appeal concerns an illuminated advertisement hoarding, about 3.5m high and 5m wide, that has been positioned on the southern flank wall of 109 London Road, at ground floor level. Between the southern flank of No 109 and the next building to the south is a laneway, Marshalls Row, leading to The Open Market, a historic covered market that has recently been the subject of a major redevelopment. An overarching sign at the London Road side, immediately adjacent to the appeal site, denotes the entrance to the market along Marshalls Row. Since the appeal was made the hoarding has been removed, apparently to carry out repairs to the wall behind, and it was not present on my site visit. However, I have been provided with photographs of the hoarding and advertisement in place and I have had regard to those.
4. This part of London Road has a strong commercial character, with copious advertising in the form of fascia signs, awnings, banners etc. However, even in this context I consider that the presence of the hoarding and advertisement would give the entrance to the market area a cluttered appearance alongside the market signage. Its positioning close to pavement level, and its size, occupying almost the full width of the flank or gable end wall of the host 2-storey building, would also give it an undue dominance that I consider would have an overbearing and intrusive visual impact on passers by. Furthermore,

the extent of coverage of the host building's gable end means that it does not integrate well with the building, giving it a discordant and unbalanced appearance. Overall, I consider that the continued use of the site and hoarding for advertisement displays would cause substantial injury to visual amenity.

5. Whether or not the Discontinuance Notice was correctly authorised by the Council is also raised, the contention being that it may not be valid since it was not issued with the correct authority. Whilst I consider that this is not a matter that I need to determine in the context of an appeal made under Regulation 17, I am satisfied in any case, on the basis of the evidence provided by the Council, that the authorisation of the Discontinuance Notice was in accordance with its scheme of delegation.
6. For the reasons given above I conclude that the continued use of the site for the display of advertisements with deemed consent would be substantially injurious to visual amenity. Accordingly, having considered all other matters raised, I conclude that the appeal should be dismissed.

*Paul Dignan*

INSPECTOR