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# Appeal Decision

Site visit made on 9 August 2018

by **Timothy C King BA(Hons) MRTPI**

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

Decision date: 10 September 2018

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**Appeal Ref: APP/Q1445/Z/17/3191475**

**27-31 London Road, Brighton BN1 4JB**

- 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 Pure Gym Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/02845, dated 22 August 2017, was refused by notice dated 30 October 2017.
  - The advertisement proposed is the installation of 2 no. non-illuminated fascias at first floor level.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The Council has not raised any objection to the sign in terms of public safety and, as such, the main issue is the effect of the advertisement signage on the visual amenity of the area.

## Reasons

3. The appeal site, on a busy shopping street where a significant degree of commercial advertising is in evidence, accommodates a relatively large three-storey building whose front façade, above ground floor level, shows some classic, early twentieth century architectural detailing.
4. The proposal would involve the display of fascia style signs on the building's frontage, affixed to the wall between the first and second floor windows. Two such signs are proposed; one on each side of the building's central column.
5. Policy QD12 of the Brighton and Hove Local Plan (LP) indicates that sensitively designed and located advertisements and/or signs which do not contribute to the visual amenity of the area will not be permitted. Further, the Council's Supplementary Planning Document, SPD07 'Advertisements' (SPD) says that, as a general rule, advertisements or signs above first floor sill level will be considered inappropriate unless such signs are a historic feature of the area, where the sign clearly relates to the use and character of the building.
6. In response to the Council's approach the appellant makes reference to other signs and advertisements in the locality as factors that might support the appeal. There is a marked difference, however, between the examples highlighted and the proposed appeal signage in its contextual setting. The

signage at Greggs, Kodak Express, Barclays Bank and Cash Converters, in particular, is hardly comparable in view of the comparatively smaller scale of these buildings. Given the size of the appeal building the scope exists for considerably larger displays than the other signage/advertisements shown. The proposal reflects this.

7. From my site visit I noted that the majority of commercial signage along London Road is positioned below first floor sill level. Of the other two sites mentioned by the appellant, the small Aldi sign merely takes up the space of a first floor window whilst the Boots sign is affixed to the blank frontage above the shop fascia and, although at significant height, it is relatively very small in proportion to the brickwork expanse, providing something of a relief.
8. The appellant makes the point that the building is neither statutorily nor locally listed and does not lie within a conservation area. Nonetheless, that does not lessen the requirement that the proposal should be assessed in terms of its effect on visual amenity. It is also mentioned that the current proposal has arisen as a result of the Council's previous decision to refuse advertisement consent for two larger, illuminated signs proposed for the building. That may be the case but that decision was not appealed and is not before me to determine. The Council's decision to refuse express consent for a previous scheme cannot have any significant bearing on my assessment of the merits and impacts of the current proposal.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) says that the quality and character of places can suffer when advertisements are poorly sighted and designed. In this particular instance I find that, despite the shopping street location, the signage, due to its positioning and the building's architectural detailing, would detract causing visual detriment.
10. I am mindful of one of the Framework's underpinning objectives of encouraging economic growth and I also acknowledge that the gym will occupy the building's first floor, reflecting the signs' location. However, this needs to be weighed against the implications of the intended display for visual amenity due to its prominence. The absence of illumination would not sufficiently mitigate in this regard.
11. For the reasons given I conclude that the proposal would materially harm the visual amenity of the area. It would therefore conflict with the objectives of LP Policy QD12 and the Council's SPD. Although local policy has not been the only consideration it is consistent with relevant advice in the Framework.
12. For the reasons given above, the appeal does not succeed.

*Timothy C King*

INSPECTOR