



Appeal Decision

Site visit made on 1 June 2009

by **Noel Hutchinson**

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

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Decision date:
5 June 2009

Appeal Ref: APP/Q1445/H/09/2098445

Portslade County Infant School, Locks Hill, Portslade, Brighton BN41 2LA

- 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 Portslade Infant School against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03701, dated 25 November 2008, was refused by notice dated 9 February 2009.
- The advertisements proposed are one 48-sheet "Ultravision" display panel and one 96-sheet static display panel, both with external illumination.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be the effect of the illuminated poster panels on the character and appearance of the appeal premises and their surroundings; and their effect on public safety.

Reasons

3. The appeal site is the corner of school premises immediately overlooking a large open expanse of road junction. Development around the junction is dominated by two large car dealerships with further businesses to the south otherwise the wider area is residential.
4. The proposed siting of the panels would be particularly exposed. The school is sited on ground well above the level of Old Shoreham Road, enclosed by a well maintained boarded fence and mesh fencing above brick retaining walls. The panels would be sited on top of the retaining walls and simply break into the line of fencing. The 48-sheet Ultravision panel would be sited in a splay position across the south west corner of the property, while the 96-sheet panel would adjoin it facing onto the Old Shoreham Road. With both panels some 3m high they would rise well above the height of the fencing. Because of their size and elevated siting well above ground level, exposed by the considerable expanse of open junction, the two panels would be very prominent commercial features.
5. The junction with Locks Hill marks a clear change in character between the school and open land to the east with the commercial premises to the west and south west of the junction. Although the two panels would be directed towards commercial properties I consider that their siting on school premises to be an

inappropriate form of development. Not only would the panels appear as very obtrusive commercial elements alien to their school setting, there would be no attempt to form a satisfactory visual integration with the existing boundary fencing. For these reasons I conclude that the two large poster panels would appear as unduly obtrusive commercial features that would be out of place and harmful to the character and appearance of the school premises.

6. With regard to public safety the submitted plans show that the panels would be displayed well above ground level and back from the top of the retaining wall. There is no evidence that any projection forward of the wall would be other than minimal. I therefore see no potential hazard to passing pedestrians. In the case of road users the panels would be readily visible and I do not consider that within this urban area they would appear as sudden or such unusual features that they would demand the attention of drivers and prove to be a hazard to public safety.
7. As part of their grounds for refusing advertisement consent the Council have stated that the displays would be contrary to policies in the Brighton & Hove Local Plan and their Supplementary Planning Document 07 Advertisements. I have taken these policies into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.
8. I have taken account of the appellants' representations about the financial benefits to the school from the display of the panels. However, because the Regulations require that appeals be considered only in the interests of amenity and public safety, it is these considerations which must be decisive.
9. For the reasons given above I conclude that while the display of the 48-sheet Ultravision panel and the 96-sheet poster panel would not be detrimental to the interests of public safety they would be detrimental to amenity.

Noel Hutchinson

INSPECTOR