



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/09/2100129 115A Western Road, Brighton BN1 2AB

- 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 Paul Andrew Estates against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03692, dated 19 November 2008, was refused by notice dated 15 January 2009.
- The advertisement proposed is a non-illuminated fascia sign.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue to be the effect of the non-illuminated sign on the character and appearance of the appeal premises and their surroundings.

Reasons

3. The appeal site is part of a narrow three storey building with a curved upper façade and a shop at ground floor. Two upper floors appear to be in office use. The property is part of a busy commercial street where, on many of the older buildings, there is a clear distinction between the domestic appearance of upper floors and that of ground floor shops and other business frontages. The property is also within a conservation area, where it is necessary to pay special attention to the desirability of preserving or enhancing its character and appearance. Well sited signs of suitable size and design on business premises in commercial areas are not precluded; but a strict control is expected to be maintained to ensure that such signs do not spoil the appearance of the area.
4. The appeal sign is in position and displayed at first floor level on that part of the building of domestic appearance. It is also above the fascia sign of the ground floor shop, so creating a two tier display, with another sign above at second floor level. While it contains individual letters that are applied and project from the face of the building, the painted background defines the total area of the display. However by occupying the whole of the area between the first floor windows the appeal sign shows no regard for the design and balance of the façade. It appears as a particularly dominant feature that is out of scale and out of keeping with the building's fenestration. In my opinion the sign

spoils the appearance of the building resulting in harm to the character and appearance of the conservation area.

5. Both parties have referred to the Council's advertisement control policies and I have taken the 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.
6. For the reasons given above I conclude that the display of the non-illuminated fascia sign is incompatible with the conservation status of the area and detrimental to the interests of amenity.

Noel Hutchinson

INSPECTOR