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## Appeal Decision

Site visit made on 20 November 2018

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 6<sup>th</sup> December 2018

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**Appeal Ref: APP/Q1445/Z/18/3199669**

**60 Western Road, Hove, East Sussex, BN3 1JD.**

- 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 Mr David Toscano against the decision of Brighton and Hove City Council.
  - The application Ref BH2017/04141, dated 14 December 2017, was refused by notice dated 6 February 2018.
  - The advertisements proposed are an *externally-illuminated fascia sign and logo, vinyl logo located on the fan-light and illuminated menu box.*
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### Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. 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 and the following additional condition:-

The illumination of the advertisements shall be non-intermittent.

### Procedural matters

2. Advertisement consent was originally sought for an illuminated fascia sign and illuminated projecting sign showing restaurant name, together with an A4 illuminated menu board. The Council however issued a split decision.
3. It granted advertisement consent for: *the externally-illuminated fascia sign and logo, the vinyl logo located on the fan-light and the illuminated menu box* but refused advertisement consent for *the externally-illuminated projecting sign.*
4. Although the whole proposal is before me I shall therefore, nevertheless, confine my deliberations to that part of the original application that related to the refusal of advertisement consent for *the externally-illuminated projecting sign.*
5. While different from the description of the proposal on the application form (set out in paragraph 2 above) that used by the Council when formulating its decision notice seems to me to more accurately describe the advertisements set out on the application drawings. I have therefore adopted it in the bullet point above.
6. The property the subject of this appeal is located within the Brunswick Town Conservation Area. It is therefore necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This designation does not prevent the display of well-sited signs of suitable size and design, particularly on commercial premises in mainly commercial areas. But a strict control needs to be maintained to ensure that outdoor advertisements do not undermine the above objectives.

7. The signs, the subject of this appeal, were in place on the occasion of my site visit.

### **Main Issue**

8. I consider the main issue to be the effect of the illuminated projecting sign on the character and appearance of the Brunswick Town Conservation Area.

### **Reasons**

9. The appeal property is a ground floor commercial unit positioned at the end of a terrace of mixed retail and other commercial premises, in the Brunswick Town Conservation Area. It is currently occupied as a bar and restaurant.
10. As I saw the proposed 0.6m x 0.6m projecting sign is fixed on the shopfront below the fascia line and is off set from the shopfront by about 0.1m. The sign, which is of a simple contemporary design, is illuminated by a pair of spotlights, one to either side of the sign.
11. In contrast to the other shopfronts in the terrace, which are of a contemporary design, that of number 60 is of a more traditional design. I noted on my visit that a number of the other premises in the terrace have comparable projecting signs fitted at a similar height.
12. Given the crisp and simple contrasting form and appearance of the sign, and as the graphics are the same as those on the approved fascia sign and that located over the front door of the premises, I am not persuaded, in this case, that the sign would cause harm to the appearance of the traditional form and design of the existing shopfront.
13. I therefore conclude in respect of the main issue that the proposed advertisement would not cause harm to the host building and thereby would serve to preserve the character and appearance of the conservation area.
14. The Council refers to saved Policies HE9 and QD12 of the Brighton and Hove Local Plan 2005 (Adopted July 2005) that advise on advertisements and signs in conservation areas. The regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. The Council's policy alone, therefore, cannot be decisive. I have nevertheless taken it into account as a material consideration in my determination of the appeal.

### **Conditions**

15. I have taken note that in addition to the five standard conditions that apply to all consents the Council has suggested a condition relating to the control of the illumination of the advertisements. I consider that a condition to ensure that the illumination of the advertisements is not intermittent is necessary to protect the amenity of the conservation area.

### **Conclusions**

16. For the reasons given above and having regard to all other matters raised, I conclude that the sign would preserve the character and appearance of the conservation area and the display of the advertisements would not be detrimental to the interests of amenity and therefore the appeal should be allowed.

*Philip Willmer*

INSPECTOR