



Appeal Decision

Site visit made on 14 July 2010

by **Rob Huntley BSc MRTPI**

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

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Decision date:
16 August 2010

Appeal Ref: APP/Q1445/H/10/2124525

Spar Stores, 159 Lewes Road, Brighton, BN2 3LF

- 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 Primesight Ltd (Mr Matt Swindles) against the decision of Brighton and Hove City Council.
- The application Ref BH2009/02249, dated 18 September 2009, was refused by notice dated 14 January 2010.
- The advertisement proposed is the erection of 2 internally illuminated, wall mounted, display units.

Procedural Matter

1. The Council has indicated that the address of the appeal property would be more correctly referred to as 159–162 Lewes Road, rather than 159 as stated on the application and appeal forms. That is the address used on the Council's decision notice. However, the ordnance survey map extract submitted with the application identifies the property as numbered 159-161. The advertisement display units, which are already in place, are situated on the part of the property which appears to me to be correctly numbered 159 and I have therefore retained that address in my decision. However, I observed during my site inspection that the convenience store does indeed occupy a greater frontage to Lewes Road than No 159 alone.

Decision

2. I allow the appeal, and grant express consent for the display of the 2 internally illuminated, wall mounted, display units at 159 Lewes Road Brighton 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.

Main issue

3. The main issue is the effect of the 2 display units on the character and appearance of the area around the junction between Lewis Road and Franklin Road.

Reasons

4. The convenience store occupies a corner position at the junction of Lewes Road and Franklin Road. The main frontage of the store is to Lewes Road which, in the vicinity of the appeal property, has the character of a suburban high street, with retail, commercial, banking and other service units, including food and drink establishments. Although Franklin Road has a predominantly residential

character away from its junction with Lewes Road, this commences past the return frontage of the appeal property and that of the Franklin Tavern public house opposite. These impart a mixed character to the part of Franklin Road close to the appeal property.

5. Angled views of one of the display units are obtainable from some of the residential properties in Franklin Road. However, in these views the display unit is seen against the backdrop of the fascia sign and window graphics of the Co-op retail store on the opposite side of Lewes Road, and in the context of part of the fascia sign of the appeal property, which wraps around the building onto the Franklin Road frontage. The display unit positioned on the corner splay of the appeal property, facing the junction between Lewes Road and Franklin Road, is not visible from residential properties in Franklin Road. In views along Lewes Road, it is seen in the context of predominantly retail and commercial properties, many of which have advertising fascias, projecting signs and window displays typical of such premises. For these reasons I consider that the display units are consistent with the prevailing local character.
6. In its decision notice the Council makes reference to policies of the Brighton and Hove Local Plan and to its Supplementary Planning Document 07 'Advertisements'. Further policy references are also mentioned in the statement provided by the Council. I have not been provided with these documents, so I am unable to take them into account. In any event, in accordance with the 2007 Regulations, my consideration of this appeal is limited to considerations of amenity and public safety, and in view of this the Council's policies alone could not be decisive.
7. The advice in Appendix E to Circular 03/07 is that in areas of commercial and mixed character, appropriately sited advertising panels of suitable size should, in principle, be acceptable. I note that the Council comments that the advertisement display units do not give rise to any safety risk and I agree.
8. I have considered all other matters raised, but I conclude, for the reasons I have given, that the 2 internally illuminated, wall mounted, display units are not harmful to the character and appearance of the area around the junction between Lewis Road and Franklin Road, and that this appeal should be allowed.

Rob Huntley

INSPECTOR