



Appeal Decision

Site visit made on 11 June 2013

by Simon Miles BA(Hons) MSc MRTPI

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

Decision date: 21 June 2013

Appeal Ref: APP/Q1445/H/13/2190095

G B K, 45-46 Gardner Street, Brighton BN1 1UN

- 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 Gourmet Burger Kitchen against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/02924, dated 11 September 2012, was refused by notice dated 23 November 2012.
 - The advertisements proposed are internally illuminated fascia sign, hanging signs and a menu box.
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Procedural Matter

1. The description of the advertisements is taken from the Council's decision notice, as this is more accurate than the description given on the application form.

Decision

2. The appeal is allowed and express consent is granted for the display of internally illuminated fascia sign, hanging signs and a menu box at G B K, 45-46 Gardner Street, Brighton BN1 1UN in accordance with the terms of the application Ref BH2012/02924, dated 11 September 2012, subject to the standard conditions set out in the Regulations.

Main Issue

3. This is the effect of the advertisements on the character and appearance of the North Laine Conservation Area.

Reasons

4. The appeal relates to 45-46 Gardner Street, which forms part of a larger modern building known as The Komedia. The advertisements comprise a large fascia sign, two hanging signs and a menu box. The site is within the North Laine Conservation Area, which derives much of its special character from its many fine period properties. Nevertheless, the area has a commercial character and signage is widespread and an established part of the street scene.
5. The number, type, size and extent of signage would not be inconsistent with this character. The fascia sign employs a shimmer disc face panel. However, although this tends to catch the light, I do not find the effect unduly obtrusive. Nor do I consider the external lighting to be excessive. Although the fascia sign

has a contemporary feel, this is not inappropriate in relation to the modern design of the host building, which is dominated by a much larger sign at a higher level.

6. Thus the advertisements are seen in the context of a building of contrasting contemporary design, which does not blend with the adjacent period buildings but stands as something of a feature in its own right. In this context I regard the Council's concerns as unfounded. I take the same view with regard to the hanging signs and menu box. These advertisements, whilst internally illuminated, are small and acceptable in the context I have described.
7. Overall, considering the particular circumstances, the advertisements are acceptable in their context without detracting from the character and quality of the wider environment. Whilst noting the Council's adopted policies, the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. The Council's policies are not therefore decisive in themselves.
8. My findings lead me to conclude that the advertisements cause no significant harm to the character and appearance of the North Laine Conservation Area. It follows that its character and appearance is preserved in accordance with the statutory requirement. No conditions are necessary other than the standard conditions that apply to all consents.

Simon Miles

INSPECTOR