



Appeal Decision

Site visit made on 11 June 2012

by Simon Miles BA(Hons) MSc MRTPI

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

Decision date: 25 June 2013

Appeal Ref: APP/Q1445/H/13/2193240

The Garden Nursery, 201 New Church Road, Hove, East Sussex BN3 4ED

- 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 Ben Theobald of the Garden Nursery against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03313, dated 17 October 2012, was refused by notice dated 14 January 2013.
 - The advertisement proposed is an aluminium sign fixed to posts.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the advertisement on the character and appearance of the area.

Reasons

3. The appeal relates to 201 New Church Road, which is used as a children's day nursery. The area is predominantly residential in character and in this context and in relation to the host building the sign is of an excessive size. When combined with the prominent position of the sign forward of the main building, this accords the advertisement unwarranted prominence causing it to have an obtrusive effect on the street scene. This objection is not outweighed by the argument that the sign obscures existing poor quality features, as the argument could be repeated too often. Moreover, such features could presumably be improved by other means.
4. I take this view even allowing for the presence of certain other large signs, including at other similar sites. I have little detailed information about the circumstances of these other signs, but at least one of them does not have express consent. As such, these other signs should not necessarily be taken as a suitable model for other advertisements. In view of this, and in view of the fact that each proposal must be assessed on its merits, I have based my assessments on the particular circumstances of this appeal.
5. I conclude that the advertisement causes significant harm to the character and appearance of the area. The harm caused is not outweighed by the commercial benefit of the advertisement, particularly as I see no over-riding reason why a less prominent form of advertisement should not serve adequately. The lack of local opposition does not of itself justify approval.

6. 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 therefore not decisive in themselves.
7. Overall, given my findings and in view of the harm caused to the visual amenity of the area, I find that the appeal should not succeed.

Simon Miles

INSPECTOR