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## Appeal Decision

Site visit made on 14 July 2014

**by Claire Victory BA (Hons) BPI MRTPI**

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

Decision date: 25 July 2014

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**Appeal Ref: APP/Q1445/H/14/2216727**

**Pizza Hut, 49 Brighton Marina Village, Brighton Marina, Brighton, East Sussex, BN2 5WA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
  - The appeal is made by Mr Daniel Simpson (Pizza Hut (UK) Ltd) against Brighton & Hove City Council.
  - The application Ref BH2013/04297 is dated 16 December 2013. The advertisement proposed is a free standing pole mounted internally illuminated double sided box sign.
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### Decision

1. The appeal is allowed and express consent is granted for the display of the free standing pole mounted internally illuminated double sided box sign 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.

### Procedural Matter

2. The Council have advised that if an appeal against non-determination of the application for advertisement consent had not been submitted, the recommendation would have been to refuse advertisement consent on the basis of the design of the sign, the excessive size and the extent of the illuminated area, which they consider would detract from the character and appearance of the restaurant and surrounding area. The Highway Authority have confirmed they have no objection to the proposed sign. I have framed the main issue accordingly.

### Main Issue

3. I consider the main issue to be the effect of the display sign on the character and appearance of the locality.

### Reasons

4. The appeal site is a single storey restaurant located at the western end of Brighton Marina Village. A service road runs to its north, with a multi storey car park and cinema of approximately four storeys high on the other side of the road. To the south are two large warehouse type buildings of approximately 2-3 storeys in use as a casino and a leisure centre. Lamp posts positioned alongside the service road have integral advertising banners, and there are three freestanding poster signs within Park Square, a public space to the east

of the restaurant. Beyond the square is a single storey restaurant in use as a McDonalds, which has a freestanding pole mounted sign.

5. The height of the proposed freestanding sign including its pole base would be 8m. Each side of the sign would be just over 3.5 sqm in area. The level of internal illumination with LED lights would be in accordance with the relevant standards set by the Institute of Lighting Engineers, and the Council have stated they have no objection to the siting, height or level of illumination of the proposed box sign, but consider its overall size and depth would be unacceptable.
6. The Council's Advertisements Supplementary Planning Document (SPD) does not have any specific guidance in relation to pole mounted signs, but advises that signage is generally acceptable within the Marina Village. Viewed from the western end of the service road, the sign would be viewed within the context of the existing signage, including fascia signs above ground level. When seen from the east facing the restaurant it would be noticeable above the roof of the single storey building, but I noted on my site visit that the commercial uses on either side have large high level fascia signs and as such the sign would not appear as an isolated feature within the street scene.
7. Whilst the sign would be slightly larger in area, and greater in depth than that previously allowed on appeal (ref. APP/Q1445/H/03/1140582), elevated views of the 0.5m deep sides of the sign from the north and south are limited to the upper floors of the multi storey car park. In terms of wider views from a distance towards the Marina, the sign would not be overly prominent due to the position of the taller buildings around it. Consequently I consider that the proposed sign would not appear incongruous with its surroundings, and would not cause material harm to the character and appearance of the area.
8. The Council has referred to Policy QD12 of the Brighton and Hove Local Plan 2005 (saved policies post 2007) and the Advertisements SPD (2007) in its Delegated Report. However, while I have had regard to these policies and guidance as material considerations where relevant, the powers to control advertisements under the regulations may be exercised only in the interests of visual amenity or public safety. Consequently in my determination of this appeal the Council's policies and guidance have not, in themselves, been decisive.

### **Conclusion**

9. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

*Claire Victory*

INSPECTOR