
Appeal Decision

Site visit made on 5 September 2014

by **Ray Wright** BA(Hons) DipTP MRTPI

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

Decision date: 15 September 2014

Appeal Ref: APP/Q1445/H/14/2223123

Aldi Stores Ltd, 7 Carlton Terrace, Portslade, Brighton BN41 1XF

- 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 Aldi Stores Limited - Chelmsford against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/01087, dated 4 April 2014, was refused by notice dated 6 June 2014.
 - The advertisements proposed are 'three non-illuminated aluminium backed advertisements fixed to the existing unit wall.'
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Decision

1. The appeal is allowed, and express consent for the display of three non-illuminated aluminium backed advertisements fixed to the existing unit wall, as applied for, is granted. 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

2. The main issue in this case is the effect of the proposed signage on the character and appearance of the area.

Reasons

3. The appeal site consists of a ground floor supermarket with flats above. It has an associated car park to the north and is located within the district shopping centre at Portslade. It is adjoined by other retail and commercial premises.
4. The appeal relates to three linked signs, consisting of aluminium backed screen printed graphics, to illustrate products sold at the store. The signs would be located on the northern wall of the building along a pedestrian walkway from the car park to the main store entrance. The advertisements would each be 2.254 metres high with widths between 5.165 metres and 4.815 metres.
5. The Council have drawn attention to the Policy QD12 of the Brighton and Hove Local Plan 2005 (LP) and associated 'advertisements spd 07' (SPD). I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of material factors. In my determination of the appeal the Council's LP policy and SPD have not therefore, by themselves, been decisive.

6. The proposed signs would be visible from the main road frontage, but only at an oblique angle. Views would be further restricted by the supporting columns to the upper floor of the building and associated canopy at the entrance to the store. At the time of the site visit, this covered area was also being used for trolley storage and the open display of goods which further restricted views towards the area where the display is proposed. Other premises on the frontage have advertisement displays typical and commensurate with such a retail and commercial frontage. In this context the proposed advertisements would have very limited impact from the main shopping frontage or wider area. The display would mainly be seen from within the stores car park and, at an angle, from the upper floors of immediately adjoining properties. However, from these properties, the car park, itself, would remain the most imposing feature in view.
7. I accept that the overall advertisement display proposed, due to the overall area of the signage involved, would be relatively substantial. However, the ground floor of the building, on this northern side, has a plain frontage with no window display. It is currently articulated by blank, rendered, brick infill panels with high level glazing above separated by projecting brick piers. The advertisements would cover three of these panels including a central area which incorporates fire exit doors where they would face the busy car park area. The signage would be suitably framed under the windows and by the piers of the building, in an area where, with an alternative internal layout, to my mind, a shop window would not be inappropriate.
8. In the circumstances the advertisements would not look out of place, prominent or be visually intrusive in the positions proposed.
9. With other trade signs principally located on the main road frontage, the advertisement display proposed would represent a stand-alone feature and would be sufficiently distant from other signage so as not to compete with it or result in advertisement clutter.
10. I have considered this case on its individual planning merits and the decision should not be taken as indicating that similar displays would necessarily be acceptable in another location or in other circumstances.
11. However, I conclude that the advertisement display, as proposed in this case, would not be materially harmful to the overall character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Ray Wright

INSPECTOR