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<b>Appeal Reference:</b>	2022/A0155
<b>Appeal by:</b>	Jason Carlisle
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Digital Advertising Screen
<b>Location:</b>	1 Bradbury Place, Belfast
<b>Planning Authority:</b>	Belfast City Council
<b>Application Reference:</b>	LA04/2021/2842/A
<b>Procedure:</b>	Written representations and Commissioner's site visit on 1 <sup>st</sup> May 2024
<b>Decision by:</b>	Commissioner Cathy McKeary, dated 16 <sup>th</sup> May 2024

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issue in this appeal is whether the proposal would be detrimental to visual amenity.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the Local Development Plan (LDP), the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. On 2<sup>nd</sup> May 2023, the Council adopted the Belfast Local Development Plan – Plan Strategy 2035 (PS). In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations 2015 (as amended) the Local Development Plan now becomes a combination of the Departmental Development Plan (DDP) and the Plan Strategy (PS) read together. Again, in accordance with the subject legislation any conflict between a policy contained in the DDP and those of the Plan Strategy must be resolved in favour of the PS.
5. The Belfast Urban Area Plan 2001 (BUAP) operates as the relevant DDP. Within BUAP the site is located within the Settlement Limit and the City Centre. Subsequently the draft Belfast Metropolitan Plan (dBMAP) was published in 2004, with the purportedly adopted 2014 iteration declared to be unlawful in 2017. Consequently, dBMAP 2004 is material in certain circumstances. In dBMAP, the appeal site is within the Belfast settlement limit, the City Centre, Belfast City Core Area of Parking Restraint and is adjacent to a City Centre Gateway. There are no

policies or proposals within BUAP or dBMAP material to the appeal before me. The PS has built heritage policies including DES4 – ‘Advertising and Signage’. This policy will be considered below. There is no conflict between the relevant plans insofar as they relate to the proposal before me and determining weight shall be given to the provisions of the PS.

6. The appeal site is an existing hot food takeaway (KFC) at the intersection of Bradbury Place, and Donegall Road, Belfast. The building on the site is a multi-sided three storey commercial building with frontage onto Bradbury Place, Shaftsbury Square and Donegall Road. The ground floor houses the takeaway and has large shop front style windows and doors. The upper floors remain traditional with sliding sash windows, red brick, and decorative architectural detail around, above and between the windows. There is also decorative detailing on the eaves and roofline. The existing signage on the upper floors relates to a taxi business comprised of a mix of individual letters and individual signs, some of which are projecting and/or are illuminated. The immediate area is predominantly commercial with associated fascia signs and projecting signage, some of which is illuminated. There is a large LED sign located above the second floor windows and projecting beyond the roof line on the building at 12-13 Shaftsbury Square. The area is predominantly commercial in character.
7. The proposed signage comprises two digital screens (approximately 1m high x 3.5m long) to be located in the horizontal band between the first and second floor windows on the Bradbury Place elevation, as well as a larger single digital screen (approximately 1m high x 7m long) in the same position on the Donegall Road elevation. The proposed signs would replace the existing upper floor signs between the first and second floor windows.
8. Policy DES4 states that planning permission will be granted for advertisements and signage where it has been demonstrated that they meet four criteria which broadly relate to design, visual clutter, built heritage, and road safety. The only matter in dispute is the Council considers that criterion (a) of Policy DES4 which requires that *“advertisements are of good design quality, are located sensitively within the streetscape and do not have a negative impact on amenity”* is not met. The justification and amplification of Policy DES4 clarifies that with regard to advertisements and signs, the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9. Policy DES4 also requires that in all cases applications for advertising consent will be expected to adhere to supplementary planning guidance for advertising and signage in Section 4.3 of the Supplementary Planning Guidance (SPG) ‘Design quality and amenity’. The SPG emphasises the importance of signage in the city centre but counsels care to prevent overly dominant, unduly prominent or simply out of place signage. The Council considers that the proposal would be detrimental to visual amenity by design, size, scale and siting which would result in an overly dominant, incongruous addition to the host building.
10. With regards to the effect on the appearance of the building, the Council considers that the proposal would detract unacceptably from architectural features on a larger scale than existing signage. They consider that the proposed screens

would obscure the decorative stucco panels which punctuate the band between the first and second floor, which would be visually disruptive to the building's appearance and would overly dominate the host building.

11. The proposal is for fewer signs than currently in situ. The appellant sought to lessen the impact of the proposal by reducing it to three separate elements of digital signage, rather than a single wrap around digital sign, as was initially proposed at application stage. The proposed signs would be more discreetly placed along the band between the windows on the first and second floor, with none on the most prominent elevation onto Shaftsbury Square, which could be considered to be the 'front' elevation. Regardless of this however, they would obscure a number of the decorative panels located under each window. Their proposed disposition on the facades would visually interrupt the vertical rhythm of the building by disrupting the visual gaps between those rows of windows. Although their size and scale might be respectful of and appropriate for the host building purely in terms of their dimensions, their proposed location on the facades, along with their LED illumination, would nevertheless visually dominate the upper floors of the host building and read as discordant features.
12. With regards to the effect on the immediate neighbourhood where the signage would be displayed; there would be sustained views of the signage on the Bradbury Place elevation when approaching the appeal site from along the Dublin Road into Shaftsbury Square. There would also be some views of the sign on the Donegall Road elevation in both directions when travelling along Donegall Road. Views are limited from Bradbury Place when travelling towards the appeal site due to the large trees that would obscure the signs on the Bradbury Place elevation. There are other illuminated signs in the vicinity and there would be limited views of the proposed signage from Great Victoria Street as it meets Shaftsbury Square. The proposal, however, would be dominant in the immediate area when viewed approaching the building from the critical views described above due to the location on the upper floor of the host building and the illumination. Overall, the proposal, which would be considerably more illuminated than the in situ signage, would be dominant on the host building both during the day and at night on multiple approaches to the appeal site. For the reasons given above the proposed signs would not be located sensitively within the streetscape and would have a negative impact on amenity.
13. The appellant points to the in-situ signage on the building, arguing that the removal of ten signs and replacement with the appeal signage would ensure rationalisation and betterment, resulting in fewer signs on the building. The Council do not agree with this assertion and highlight that a number of signs would remain on the ground floor along with two projecting signs on the first floor. As such they conclude that the proposed signage would have a negative impact when read with the existing signage which would remain on the host building. The current signage, even though there are more of them, has a lesser visual and physical presence on the building due to the spacing of the letters and the fact that they are not wholly attached to the building. This arrangement still allows views of some of the architectural detail behind and between the letters. Notwithstanding this, I accept that some of the existing square signs impinge on some of the other architectural details such as the arches on the second floor. I am not, however, persuaded that the removal of the existing letter signage with placement of the

appeal signage would represent betterment in overall terms or justify setting aside the concerns addressed above.

14. The appellant has argued that the large existing LED sign on the top floor of a building facing at 2-5 Bradbury Place, should be given consideration. It is centrally located and is highly prominent on its host building given its digital illumination, position on the building, and size when viewed on the approach from Great Victoria Street and Dublin Road into Shaftsbury Square. Notwithstanding this, that sign is not directly comparable given its planning history and that it was determined under a different policy context. Furthermore, I am not persuaded that the approval of the other large LED sign in close proximity, in itself justifies setting aside the policy in this case.
15. Despite any positive responses from consultees in relation to the proposal, for the reasons given above the signage would have a detrimental effect on the architectural detail of the building and immediate neighbourhood. It, therefore, would have a negative impact on amenity contrary to criterion (a) of Policy DES4 of the PS. The Council's refusal reason is sustained and the appeal must fail.

This decision is based on the following drawings:-

<b>Drawing No.</b>	<b>Title</b>	<b>Scale</b>	<b>Date</b>
21-214-01	Site location	1:1250 @A4	Dec 21
21-214-02	Existing plans and elevations	1:125 @A3	Nov 21
21-214-03	Proposed plan and elevations	1:125 @A3	Nov 21

**COMMISSIONER CATHY MCKEARY**

**List of Documents**

Planning Authority:-

Statement of Case by Belfast City Council  
Rebuttal by Belfast City Council

Appellant:-

Statement of Case by Coogan & Co on behalf of Jason  
Carlisle  
Rebuttal by Coogan & Co on behalf of Jason Carlisle