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## Appeal Decision

Site visit made on 31 August 2016

**by Oliver Blower MA (T&CP)**

**a person appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 September 2016**

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**Appeal Ref: APP/K3605/Z/16/3156456**

**Oxshott Dental, Steels Lane, Oxshott, Leatherhead KT22 0RD**

- 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 Dr Brian Cullen against the decision of Elmbridge Borough Council.
  - The application Ref 2016/0029, dated 5 January 2016, was refused by notice dated 28 April 2016.
  - The advertisement proposed is described as "projection sign, aluminium case powder coated green, 5mm opal acrylic panels with translucent vinyl covering, lengthy 90cm height 60cm".
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### Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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 and the following additional condition:-
  - 1) The advertisement permitted by this consent shall not be illuminated outside the hours of 8:00 to 17:30 Monday to Friday.

### Main Issue

2. The main issue in this case is the effect of the advertisement on visual amenity with particular regard to the character and appearance of the area.

### Procedural Matters

3. The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

### Reasons

4. The appeal site is a one of a pair of semi-detached buildings, two-stories in height, rendered white with a slate hipped roof. The building, in part, is used as a dental practice with three existing advertisements at ground floor level and parking to the front. It has a single storey bay window, mirroring that of its adjoining neighbour, with a slate single-pitch canopy roof that spans the full width of both buildings. The appeal site and its surroundings have a mixed

character, primarily composed of traditional residential buildings, but interspersed with some small scale commercial uses such as the dental surgery and a salon and convenience store further to the west. The convenience store has a projecting sign at shop fascia level.

5. The advertisement is an internally illuminated projecting sign, approximately 90cm x 60cm, attached to the first floor of the front of the building.
6. The projecting sign is of modest scale and coloured in a subdued shade of green, so that it has a broadly refined and traditional appearance in scale with the façade of the building. It is positioned on the face of the first floor, above the canopy roof. This location is not excessively high or prominent, but rather appears as the natural position for such a sign to avoid the slate canopy. I note that it is not significantly higher than the projecting sign of the convenience store further to the west. In my judgement its design and position strikes the right balance between the general residential aesthetic of the street whilst acknowledging the established small scale commercial use of part of the appeal building.
7. It is necessary, however, to limit the times the sign is illuminated by condition, in the interests of visual amenity and the living conditions of neighbouring occupiers. Subject to this condition, and the five standard conditions set out in the Regulations, the advertisement would not cause unacceptable harm to the interests of visual amenity for the reasons given above.
8. As far as such factors are material, the proposed advertisement is therefore in accordance with policy DM15 of the Elmbridge Development management Plan, which seeks to ensure that advertisements are well designed to ensure they do not harm visual amenity, are in proportion to their surroundings and do not result in undue clutter.
9. I note that there have been third party objections stating that the sign is out of character with the area, that the first floor of the building is used as a flat and, that a dental surgery has been in this location for approximately 30 years without a projecting sign. Although I have taken these objections into account during the course of my reasoning, I remain of the view that the advertisement is acceptable for the reasons given above.

## **Conclusion**

10. Having regard to all other matters raised, I conclude that the advertisement would not be detrimental to the interests of visual amenity. I therefore allow the appeal.

*Oliver Blower*

## **Appointed Person**