

Appeal Decision

Site visit made on 22 November 2016

by R J Jackson BA MPhil DMS MRTPI MCMJ

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

Decision date: 2 December 2016

Appeal Ref: APP/Z2260/Z/16/3151314

59 Queen Street, Ramsgate, Kent CT11 9EJ

- 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 Miss Paige Grogan, Sports Direct.com against the decision of Thanet District Council.
 - The application Ref A/TH/16/0212, dated 18 November 2015, was refused by notice dated 12 April 2016.
 - The advertisement proposed is 5600mm x 1100mm folded aluminium panel with 120mm returns painted egg shell white finish, letters to be fret cut backed up in opal 050 ICI acrylic with face applied red & blue vinyl. Illumination to be via cathode tube & switchgear.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. At the time of the site visit the advertisement was being displayed which allowed me to view its effects.
3. The Council has referred to its advertisement control policies in the Thanet Local Plan (the TLP). The Regulations require that decisions be made only in the interests of amenity and public safety. Therefore the Council's policies alone cannot be decisive, but I have taken them into account as material considerations

Main Issue

4. The main issue is the effect on the amenities of the area and the setting of the Ramsgate Conservation Area (RCA).

Reasons

5. The appeal site lies outside but adjacent to the RCA. The building immediately to the east and the properties opposite are within the RCA. The RCA covers the town centre and harbour areas of Ramsgate and is made up a mixture of shops, offices and other premises. The Council has not published a Conservation Area Appraisal but my overall impression was that its character, and thus significance, derived from the narrow nature of the commercial streets representing the historic nature of the town and that development and advertisements were restrained and not intrusive.
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6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and this will include the effects of development outside the RCA on its setting.
7. Fascia advertisements in the RCA are located between the ground floor windows, often of shops, and the lower sills of the first floor windows. Where advertisements are illuminated, and many are not, this is generally from the exterior, although there were a very small number of advertisements where the logos were internally illuminated, particularly in the more commercial main shopping area to the east.
8. The appeal property is the first property outside the RCA, and, above ground floor, forms part of a three-storey Georgian-style building. The ground floor is in retail use and there is a fascia advertisement on the unit to the west between the shop display windows and the sills of the first floor windows. The logos on this advertisement are internally illuminated; although due to the nature of the font of the logos, this is a relatively small area and thus this is not intrusive.
9. The overall dimensions of the advertisement are in keeping with the architecture of the building, and the material used would be similar to that used on the fascia advertisement on the unit to the west. However, due to the size of the lettering there is a comparatively large internally illuminated area which is harmful to the visual amenities of the area, the setting of the RCA and the BCA itself as it can be seen from within the BCA. However, in the terms of the National Planning Policy Framework (the Framework) this represents less than substantial harm.
10. Where less than substantial harm is created, in line with paragraph 134 of the Framework, this harm should be weighed against the public benefits of the proposal including its optimum viable use. Clearly providing an advertisement to advertise the retail offer is necessary to keeping the premises in a viable use, and ensuring the vitality of town centres is a public benefit. However, this benefit should be considered in proportion to the nature of the application as one for the display of an advertisement. There is nothing to say that a different advertisement, utilising the particular brand, would not still satisfactorily advertise the use without harm to the setting of the RCA which would ensure the same overall benefit. I therefore give the benefit of this particular advertisement only little weight and this is not sufficient to outweigh the harm I have identified.
11. Therefore the display of the advertisement is harmful to the amenities of the area and the setting of the RCA. As such it is contrary to Policies D1 and D5 of the TLP which requires that development respects or enhances the character or appearance of the surrounding area and that where advertisements are in and adjoining conservation areas the design and siting does not detract from, and preferably makes a positive contribution to the character and/or appearance of the area.

Conclusion

12. For the reasons given above I conclude that the display of the advertisement is detrimental to the interests of amenity.

RJ Jackson

INSPECTOR