
Appeal Decision

Site visit made on 23 November 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 8th December 2016

Appeal Ref: APP/Y0435/Z/16/3157973

2 Long Street Road, Hanslope, Milton Keynes MK19 7LZ

- 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 Mr Jayant Kapadia on behalf of Tag Information Technology Limited against the decision of Milton Keynes Council.
 - The application Ref 16/01354/ADV, dated 12 May 2016, was refused by notice dated 14 July 2016.
 - The advertisement proposed is 3 non-illuminated hoarding signs.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A previous express consent had been granted for 5 hoarding signs in January 2015. The previous express consent was granted for a limited period of 15 months based on an agreed build period for redevelopment of the site as the signs were considered by the Council to be harmful in a residential setting adjacent to a Conservation Area. The express consent has now expired. At the time of my visit, non-illuminated signs similar to those previously granted express consent relating to a future housing development and a health and safety sign were attached to the white background of construction hoardings.
 3. The description of development provided by the application form and an associated advert description document submitted to this appeal indicate that express consent was sought for 3 non-illuminated hoarding signs relating to plan ref: 069 1100 rather than 2 non-illuminated hoarding signs as referred to in the Council's decision notice. The application form indicates that advertisement consent is sought until 20 June 2017. I have determined the appeal on that basis.
 4. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has drawn my attention to development plan policies and guidance in the form of an Outdoor Advertising Policy, February 2005, which it considers relevant to the appeal. I have taken the policies and guidance into account as material considerations, in so far as they relate to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.
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Main Issue

5. The main issue is the effect on amenity, including the character and appearance of the street scene and the setting of Hanslope Conservation Area.

Reasons

6. The appeal site is located on Long Street Road close to the junction with Gold Street and Castlethorpe Road in the village of Hanslope. The site lies adjacent to the boundary of Hanslope Conservation Area, which includes The Watts Arms public house directly opposite together with properties adjoining Gold Street and High Street in a south western direction.
7. The Hanslope Conservation Area includes the historic core of the village grouped around Gold Street and High Street which lead to the dominant landmark of St James Church. Other than the church, the buildings are of predominantly two storeys but with a range of architectural styles and form and are mainly in residential use. However, there is an intermittent presence of commercial premises.
8. Saved Policy HE6 of the Milton Keynes Local Plan 2001-2011 (LP), adopted December 2005 is consistent with the Framework in so far as it requires that the setting of Conservation Areas are preserved or enhanced. However, Saved Policy D1 of the LP in seeking to prevent unacceptable visual intrusion, relates to planning permission rather than applications for express consent and therefore, is not directly relevant to the proposal. I am therefore guided principally by the Framework and the PPG¹ which states that factors relevant to amenity, consist of the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and whether the advertisement is in scale and in keeping with these features.
9. The appeal site consists of a former bus depot located on the eastern side of Long Street Road that is surrounded by a mix of modern bungalows and dormer bungalows that lie outside of the Conservation Area, a number of which are set back on the southern side from the frontage of the site. Consequently, the site is viewed prominently on Long Street Road in close proximity to the junction with Gold Street and Castlethorpe Road and has an important influence on the northern entrance to and setting of the Conservation Area.
10. It is common ground between the main parties that planning permission for redevelopment of the site for housing remains extant following previous land clearance and commencement of development. Existing construction hoardings enclose the Long Street Road frontage. However, based on the evidence before me and observations during my visit it appears that redevelopment of the site has currently stalled.
11. The existing construction hoardings are 2.5m high and are approaching 25m in length when including gates. The hoardings are predominantly white with black borders. Proposed vinyl signs of 2m in height and varying widths of 4m, 3m and 2m would be viewed as dominant features on the hoardings, and consequently, overly large and out of place in a predominantly residential setting. This is because the hoardings, in a set forward position relative to surrounding houses, stand alone in a location where there are no similar hoardings and other signs are discreet. As such, attention would be drawn to

¹ Advertisements - Paragraph: 079 Reference ID: 18b-079-20140306 (Revision date 06 03 2014)

the advertisements mainly because the signs would appear incongruous relative to their surroundings.

12. The hoardings are viewed largely side-on along Long Street Road to the north and Gold Street to the south west which would limit the prominence of the signs from those aspects. Nevertheless, the signs would be a highly visible and intrusive feature when approaching Long Street Road from Castlethorpe Road.
13. Having regard to the above, I recognise the importance of advertisements to the appellant in terms of informing people relating to the redevelopment of the site, including the relationship to a manufacturer of building products. Furthermore, the main purpose of signs is to be noticeable. However, an appropriate balance needs to be achieved between allowing businesses to engage with and inform prospective customers and protecting the visual character of the surrounding area. To my mind, the size of the signs proposed would be excessive, jarring and out of scale in the residential context and therefore, would have an unacceptable impact on the visual amenity of the street scene, including the setting of the Conservation Area.
14. In reaching the above findings, I have taken into account that express consent has been sought for only a temporary period, after which the signs could be removed by condition. However, there is no evidence of development of the site recommencing or any substantiated evidence of a likely build out period of the development to which the signs relate. In such circumstances and given the context of a previous expired express consent, I consider that the proposal would unnecessarily prolong the harmful display of large signs on the construction hoardings.
15. The appellant has also drawn my attention to a number of other construction hoardings in the Council area which display advertisements. However, there are no specific details of the individual circumstances which led to the display of those advertisements and therefore, I cannot be certain that they reflect a direct parallel with the appeal proposal. In any case, I have determined this appeal on its own merits.
16. I conclude that the proposal would harm the character and appearance of the street scene and consequently would fail to preserve the setting of Hanslope Conservation Area. The proposal therefore, conflicts with Saved Policy HE6 of the LP and the Outdoor Advertising Policy guidance, in so far as they are relevant and consistent with the Framework and the PPG in terms of consideration of amenity.
17. As the site is in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.

18. The visual harm caused would be significant in terms of the immediate surroundings of the proposal. However, the harm would be less than substantial to the setting of Hanslope Conservation Area and consequently its significance. In these circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
19. The public benefits identified by the appellant relate to the relationship of the advertisements to a commercial partner with associated links to assisting redevelopment of the site, to which the appellant has made a financial commitment. However, I can attribute these potential benefits only limited weight as the evidence before me does not demonstrate that the development would take place if express consent were granted or that similar benefits could not be achieved through less intrusive signs. There is no evidence to support that the construction hoardings would otherwise be subject to anti-social behaviour or graffiti and therefore, there is no public benefit in that respect.
20. Having taken the above into account, I consider that the public benefits of the proposal would not be sufficient to outweigh the harm to amenity, including the character and appearance of the street scene and the setting of Hanslope Conservation Area which would result in less than substantial harm to the significance of the heritage asset.

Other Matters

21. It is common ground between the main parties that the signs would not have a detrimental impact on public safety. Based on my observations, I have no reason to take a different view. The advertisements would draw attention due to their scale. However, they would be viewed in the context of a construction site and would consist of static and non-illuminated images and text that would not be unduly distracting. Furthermore, the signs would have no effect on existing visibility splays or the existing pedestrian footway. However, the absence of concern in this respect is a neutral factor.
22. The appellant has expressed concerns in terms of the Council and Parish Council approaches in dealing with proposals relating to the appeal site. However, those matters have no effect on the merits of the proposal before me or the outcome of this appeal.

Conclusion

23. I have considered the public benefits of the proposal and consider that, taken together, they would not be sufficient to outweigh the harm to amenity, including the character and appearance of the street scene and the setting of Hanslope Conservation Area, which would result in less than substantial harm to the significance of the heritage asset.
24. For these reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR