

Appeal Decision

Site visit made on 13 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/N4205/Z/16/3156001

510 Darwen Road, Bromley Cross, Bolton, BL7 9DX

- 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 P Miah against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 96441/16, dated 27 April 2016, was refused by notice dated 3 August 2016.
 - The advertisement is an externally illuminated fascia sign.
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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. It is also subject to the following conditions:
 - 1) The sign shall not be illuminated at any time when the restaurant is not open to the public for business.
 - 2) The illumination of the advertisement permitted by this consent shall be no greater than 5 LUX on the facade of the nearest residential property.

Procedural Matter

2. I have used the Council's description of development as it is clearer than that on the application form. The advert is already in place and so I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the sign upon the character and appearance of the area.

Reasons

4. The Council has drawn my attention to the policies they consider to be relevant to this appeal and I have taken them 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 any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
 5. The site is a stone terraced building within a mixed area of commercial and residential uses. The sign is situated between the ground and first floor
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windows and therefore it is of an appropriate depth. It is also of a moderate width of about half the frontage of the site. It has a flat profile and is of a simple design. The illumination is from 3 swan necked lamps mounted above the sign and I consider this type of low-key static illumination to be acceptable for the location and not harmful to the residential amenity of neighbouring occupiers. Overall, the sign is modest and appropriate to the building and street-scene.

6. The site is close to the Dunscar Fold Conservation Area however, given that I find the sign acceptable I do not consider it to have any material effect upon the setting of the conservation area. I note neighbour's comments that signs on another nearby property were refused but I have judged this proposal on its own merits. I note comments from 3rd parties objecting to the use of the building as a restaurant/takeaway but my considerations are limited to the sign.
7. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. All advertisements are subject to the 5 standard conditions in Schedule 2 to the above Regulations. A plans condition is not necessary as the sign is already in place. An illumination condition is attached in the interest of residential amenity. In the interest of the visual amenity of the area the sign's illumination is limited to when the restaurant is open.
8. I conclude that the sign has an acceptable effect upon the character and appearance of the area and the appeal is allowed.

Siobhan Watson

INSPECTOR