
Appeal Decision

Site visit made on 19 December 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 12th January 2017

Appeal Ref: APP/T5720/Z/16/3157474

197 Burlington Road, New Malden, KT3 4NA

- 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 Krispy Kreme Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P1932, dated 10 May 2016, was refused by notice, undated.
 - The advertisement proposed is the display of 1 no. internally illuminated Krispy Kreme brand bow tie sign on building roof.
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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 intensity of the illumination of the sign permitted by this consent shall be no greater than 600 cd/m².

Main Issue

2. The main issue in this case is the effect of the advertisement on the character and appearance of the area.

Reasons

3. The appeal site lies on the corner of Burlington Road and Beverley Way, and is set opposite a roundabout, forming part of a busy road network connecting to the overhead A3 Kingston Bypass. The area immediately surrounding the site is primarily commercial, with a large timber merchants located adjacent to the site, a mechanics opposite, and various sizable shops and units located on the other side of the A3 flyover. The appeal site is a part 2½ storey, part 1 storey white building with a tiled roof, and is a fast food restaurant complete with a drive through element. A green canopy surrounds the one storey element of the building onto Burlington Road and there is various Americana style signage around the site, including the brand's 'bow tie' shaped signs, large scale lettering, and outside parasols.
 4. The proposal seeks to erect a further bow tie shaped sign on the roof of the rear of the store, between two existing dormer windows. Such siting would make the sign visible to passers-by on Beverley Way. This road is dominated by the overhead flyover carrying the A3 and has a less open nature than Burlington Road. To take advantage of the proximity of the flyover and the
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traffic on this road, there are various large scale adverts in the vicinity, including one substantial pole mounted large digital display sited in the rear car park of the appeal site. This sign is mirrored locally with a similar sign on the other side of the A3, as well as others on the southern side of the roundabout. Other local retailers also have extensive signage, including a very large tower at a B&Q store on the other side of the roundabout.

5. The sign would make the store more visible to passing traffic on Beverley Way, and more obviously to the A3. Whilst this side of the building has less signage than the Burlington Road façade, there is still an existing bow tie sign at first floor level and an element of a green canopy visible on this side. The sign would relate to these existing elements and would not appear unduly prominent or obtrusive.
6. The Council consider that there are a plethora of signs in the area and that the building is losing its character due to the amount of signage on the structure. Whilst I have some sympathy with the views on the amount of signage in the area, I do not consider that the proposal would contribute adversely to this situation. The proposed illuminated advert, particularly when compared to other signs nearby which form part of the character of the area, would not be especially large and would remain subservient to the roof form of the building, with a height below the ridge of the building, and its size and form would be considerably smaller than the overall roof form within which it would sit. Whilst it would clearly add to the amount of signage on the side of the building visible to Beverley Way, this façade of the building is by no means untouched and the design and shape of the sign would tie in with this existing signage. Overall, I therefore conclude that the proposed advertisements would not unacceptably harm the character and appearance of the host building or the area, and therefore nor would it harm its amenity.
7. The Council have drawn my attention to Policy CS14 of the Core Strategy¹ and Policy DM D5 of the SPP². These policies seek to ensure that development is designed to ensure that the character of the Borough is respected and not diluted or undermined by inappropriate or excessive advertising. However, whilst I have taken these policies into account as material considerations, the powers to control advertisements under the regulations may only be exercised in the interests of amenity and public safety. Moreover, for the reasons given above, I consider that the proposal would in this case not conflict with such policies.

Conditions and Conclusion

8. In addition to the five standard conditions, I have imposed a condition restricting the luminance of the proposed sign, in the interests of highway safety and as recommended by Transport for London, although I have amended their proposed condition in the interests of brevity. For the reasons given above, I therefore conclude that the proposed advertisement is acceptable on amenity grounds and allow the appeal.

Jon Hockley

INSPECTOR

¹ London Borough of Merton, Core Planning Strategy July 2011

² London Borough of Merton, Sites and Policies Plan and Policies Maps July 2014