

Appeal Decision

Site visit made on 19 January 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/C4615/Z/16/3160710

Lidl Supermarket, 301 Halesowen Road, Netherton DY2 9NP

- 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 Lidl UK GmbH against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0920, dated 23 June 2016, was refused by notice dated 22 August 2016.
 - The advertisement proposed is a 6m totem sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of a 6m totem sign as applied for. The consent is for a maximum period of 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations.

Main issue

2. The Council raises no issue in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the proposed advertisement on amenity.

Reasons

3. The proposal is to display an internally illuminated totem sign to one side of the main entrance to a supermarket that includes a large building and an adjacent car park with access off Halesowen Road. The immediate area surrounding the supermarket site is mixed in character with a fitness centre, industrial units, residential properties, another supermarket and a car sales forecourt all in close vicinity. Along Halesowen Road as it passes the site are street lighting columns, telegraph poles, a pedestrian crossing with traffic signals together with a variety of signs and advertisements, all of which form an integral part of the local street scene to which the site belongs.
 4. The new sign would stand almost 6metres (m) high and consist of an internally illuminated square logo measuring 2.1m by 2.1m with a series of horizontal panels below. It would replace a 7m high pole with a double-sided 2.5m by 2.5m-light box in the same location, for which consent has been granted. Compared to the sign to be replaced, the proposal would be shorter and narrower with a smaller internally illuminated logo although the overall surface area would be noticeably larger.
 5. From what I saw, the existing sign is highly visible from Halesowen Road, in both directions, Amphetts Close situated broadly opposite the site, and from
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the supermarket car park. It is a tall, large and prominent feature of the local street scene. In those circumstances, and taking into account the area's mixed character that includes commercial premises with a variety of advertisements and signs, the proposal would be in keeping with its context. Consequently, it would not be incongruous, unduly strident nor would it materially harm the character and appearance of the local area.

6. The width of the highway would provide some separation between the new sign and housing along Amphletts Close. From these properties the display areas of the new totem sign would be seen from some distance and largely at an oblique angle. While these display areas would draw the eye especially when illuminated after dark they would be visually read with the main store building, its internally illuminated fascia signs above the customer entrance, car park lighting and the intervening busy highway with its street lighting. Similarly, views from the properties along the same side of Halesowen Road as the site would be in the context of the car park and against the backdrop of the main store, a large fascia sign and the customer entrance. In those circumstances, and given that the illumination of the new totem sign would be only turned on 1 hour before the store opens and turned off 1 hour after closing, the proposal would not be obtrusive. For all of these reasons, there would be no unacceptable impact on the amenity of occupiers of nearby properties.
7. Like the sign to be replaced, the new totem would be close to the highway, within a partly open car park setting and its height would be significant. Nevertheless, the proposal would relate well to the main store and would not appear overly large or prominent in relation to that building specifically or its surroundings more generally. Therefore, I conclude on the main issue that the display of the new advertisement would cause no material harm to amenity.
8. My attention has been drawn to a previous appeal decision for advertisements on a supermarket site in Huntingdon. From the limited information provided, the context of that appeal site differs to the one before me being just beyond a deep railway embankment and bridge, and it is unclear from the decision whether the totem sign in that case replaced an existing sign, as in this instance. Reference is also made to other totem signs in the area surrounding the site although none are similar to the scale of the proposal before me nor do they appear to directly compare to its setting. Consequently, I am not convinced that direct parallels can be drawn between any of these cases and the new totem sign and so I attach limited weight to them. In any event, each proposal should be assessed on its own merits, as I have done.
9. The Regulations require that a decision be made only in the interests of amenity and public safety. Although I have taken into account Policy DD14 of the Dudley Unitary Development Plan, to which the Council refers, and relevant policies of the National Planning Policy Framework and the Planning Practice Guidance, these have not been a decisive consideration in my decision.
10. The Council has not suggested the imposition of any additional conditions over and above the standard conditions and I see no reason to reach a different opinion. Subject to those standard conditions, the appeal is therefore allowed.

Gary Deane

INSPECTOR