

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/16/3159946

KFC unit, Castlegate Drive, Dudley DY1 4RJ

- 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 Queensway Hospitality Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0764, dated 25 May 2016, was refused by notice dated 5 August 2016.
 - The advertisements proposed are a 1no. height restrictor, 1no. 2-panel menu signs, 2no. 8-panel menu sign, 3no. directional ground signs, 2no. disabled parking signs, 2no. order bay signs, 1no. speaker post, 1no. bucket pylon sign.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council determined the appeal application and issued a split decision that granted express consent for a number of illuminated and non-illuminated advertisements at the site. It also refused express consent for the bucket pylon sign and it is that advertisement that is the subject of this appeal.
3. At the site visit, I saw that the bucket pylon sign was in its intended position and that it broadly reflected the details shown on the plan. For the avoidance of doubt, I have assessed this advertisement on its own merits.

Main issue

4. 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 advertisement on amenity.

Reasons

5. The bucket shaped sign stands on top of a single column adjacent to a KFC unit and close to the landscaped frontage of a large leisure complex to Birmingham Road, which is a busy arterial route. A variety of other advertisements mark this highway frontage that are mainly associated with the buildings in this part of the leisure complex.
 6. At 8.3metres, the appeal sign is significant in height. It projects noticeably above the rooflines of the adjacent single storey units on either side with which it is visually read. At its highest point, the sign is also considerable in width, which visually accentuates the scale of the advertisement. As a result, the sign
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appears overly large and tall in relation to the adjacent buildings, which are modest in scale and height. It also has an unduly imposing presence in oblique views from Birmingham Road, on the immediate approach to the site. That the bucket sign also includes bold colours exacerbates its visual impact, as would its internal illumination when seen after dark.

7. From what I saw, the trees within the adjacent landscaping area partially screen and visually soften the bucket sign, to some extent, from Birmingham Road. Users of this highway would also see the bucket sign in the context of a busy road and its tall lighting columns, directional signs and other advertisements. Nevertheless, the bucket sign is obtrusive primarily due to its height and scale and it is detrimental to the visual amenity of the local area.
8. Being noticeable obviously reflects a main purpose of the sign, the height of which would ensure its visibility to road users that pass by the site. That visibility from Birmingham Road is important in this instance as the KFC unit itself is partially screened by landscaping and its glazed main façade is not evident. The considerable width of the road would also provide adequate visual separation between the bucket pylon sign and the housing along the opposite side of Birmingham Road. This highway clearly demarcates the commercial area of the leisure complex from these residential properties. However, these matters do not outweigh the significant harm that I have identified. Restricting the illumination of the advertisement to only the logo and the buttons below and limiting its brightness, as suggested by the appellant, would not satisfactorily mitigate its harmful effect arising from its scale and height.
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 and Policy ENV2 of the Black Country Core Strategy, to which the main parties refer, 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. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR