

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/V4630/Z/16/3161069

The Co-operative Food, Lichfield Road, Walsall Wood, Walsall WS9 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 Mr Pat Kiely against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 16/0262, dated 8 February 2016, was refused by notice that is undated.
 - The advertisement proposed is a totem pole sign.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The date of the Council's decision to refuse express consent given on the planning appeal form is 16 August 2016. I have proceeded on that basis.

Main issue

3. 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

4. The proposal is to display a freestanding totem sign adjacent to The Co-operative Food store, which forms part of a Local Centre at a corner of the large traffic light junction between Lichfield Road, Brownhills Road and Salters Road. In the vicinity of the site, the highway and its infrastructure has a dominant presence with wide carriageways, directional signs, street lighting columns all in close proximity. There are also a number of signs and advertisements largely associated with commercial retail and other premises around and just beyond this road junction.
 5. The proposed sign would be about 4.5metres high, double sided and externally illuminated. The lower section of the sign would be open to allow visibility through it from either side. It would be placed within the landscaping area that together with low-level walls and other low-key features mark the largely open highway frontage of the store to Lichfield Road and Brownhills Road.
 6. The appeal sign would be significant in scale and height. It would also be a prominent roadside feature being also close to the adjacent footway and road. In combination, this arrangement would cause the new sign to appear overly
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large and tall in relation to the adjacent buildings and unduly dominant in the street scene to which the site belongs. When viewed from Lichfield Road on the immediate approach to the site, in both directions, the proposal would be obtrusive. That though lights would illuminate the new sign would accentuate its harmful visual impact when seen after dark. As such, the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the local area even in its predominantly commercial setting and among the varied signage around and just beyond the adjacent junction.

7. Accordingly, the proposal conflicts with Policies CSP4 and ENV2 of the Black Country Core Strategy, Policies GP2, ENV32, ENV37 and S5 of the Walsall Unitary Development Plan and Policy DW3 of the Council's Supplementary Planning Document, *Designing Walsall*. Although these policies are not decisive, they are a material consideration in the determination of the appeal.
8. The appellant places some reliance on other advertisements close to the site to support the appeal and has provided photographs of some signs. In particular, there is a large freestanding sign on the opposite side of Lichfield Road to the site. Further along Lichfield Road there are sizeable advertisements for a fitness centre, a leisure centre and a large totem sign for KFC. All these signs are conspicuous roadside features and form part of the character of the local area. Even so, the presence of these advertisements does not preclude the need for a careful assessment of each individual proposal on its own merits, which I have done in this instance.
9. The Council is also critical of the proposal because it says that the new sign would straddle the boundary line of improvements that are proposed to the Lichfield Road Salters Road junction. However, few details of these improvements have been provided and it is unclear from the evidence what implications the proposal would have for them in terms of public safety and amenity. As the Highway Authority suggests, it may be possible to simply reposition the proposed sign further away from the improvement line. Even so, I find the proposal objectionable because its effect on visual amenity would be unacceptable for the reasons given.
10. The appellant has referred to the delays associated with the Council's handling of the appeal application. I also acknowledge that the height and design of the new advertisement have been amended in the light of concerns raised by the Council to previous proposals.
11. However, in light of the above factors, and having considered all other matters raised I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR