



Appeal Decision

Site visit made on 22 January 2017

by Timothy C King BA (Hons) MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/D1590/Z/16/3155929

Shorehouse, Ness Road, Shoeburyness, Southend-On-Sea, SS3 9HQ

- 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 Mitchells & Butlers against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/00488/ADV, dated 30 March 2016, was determined by notice dated 9 June 2016.
 - The advertisements proposed are '*3 No Internally Illuminated post signs (01, 05a & 05b); 3 No Internally illuminated sets of letters (02, 03 & 04) and 1 No Non Illuminated set of letters (06).*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Four of the seven advertisements applied for (02, 03, 04 and 06) were granted express consent by the Council by way of a split decision. Three were refused consent, one of which relates to a LED internally illuminated totem sign, annotated on the appellant's site plan as Sign 01, and two are single-sided, internally illuminated post mounted signs, annotated as Signs 05a and 05b.
3. At my site visit it would appear that, all three advertisement signs at issue have already been erected. Despite this, I am required to approach this appeal as being that of a proposal to display.

Main Issue

4. The Council has not raised an objection to the sign in terms of public safety and, as such, the main issue is the effect of the advertisement signage on local amenity.

Reasons

5. The appeal site is a Harvester public house, and the three signs at issue are sited in proximity to the two access points, both of which are close to residential buildings. The two smaller post mounted signs, which would stand to approximately 1.88m in height would be closest to the common boundaries thereto whilst the taller totem sign, which would be nearly 4m in height, would be situated just off the Ness Road sea-front access point.
 6. The appellant indicates that the signage is not new, involving only the replacement of former signage at the site. However, from the appellant's
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photographs submitted, which show the site as it appeared previously, there is a clear material difference. This is particularly true of the more modest lozenge type pole-mounted sign that has been replaced with a much wider and more substantial sign, illuminated on both its main sides. Further, this display is clearly visible from the flank windows of the adjacent three-storey residential block along Ness Road.

7. Paragraph 67 of the National Planning Policy Framework (the Framework) seeks to ensure that advertisements are appropriate for their setting, and advises that they should not have a negative impact on either the built or natural environment. This advice reflects that within the Council's Supplementary Planning Document 'Design and Townscape Guide' (SPD1) which indicates that advertisements should have regard to their setting and also that the appropriate number and size of the signage should depend on the scale of the particular building involved and its location. Balancing this with one of the Framework's underpinning objectives of encouraging economic growth I would consider that the latter is outweighed by the intended proliferation, scale and character of the signage proposed. The degree of display, to my mind, goes beyond that which is reasonably necessary to advertise and promote the premises. The building's presence and purpose need not be overstated.
8. Turning to the Council's decision to refuse express consent Policies KP2 and CP4 of the Council's Core Strategy (DPD1) and Policy DM1 of its Development Management (DPD2) all have the common aim of restricting development to that which is in scale and character with its locality and, further, does not adversely impact on neighbouring amenity which the Regulations say is one of only two considerations to be taken into account when reaching decisions as to the acceptability of an advertisement. In this instance I do not consider that sufficient thought has been given to the site's context in arriving at a scheme and arrangement that would be appropriate to its immediate surroundings so as to limit any cumulative impact. To this end I must disagree with the appellant's rather sweeping statement that the intended level of signage is typical of similar licensed premises throughout the country. That is to disregard local character as a factor to be taken into account in determining proposals such as this.
9. Although the relevant local policies mentioned have not been the only considerations, I find that the proposed signage is contrary to their aims and would also materially conflict with the Council's SPD1 and relevant advice within the Framework.
10. For the above reasons I conclude that the signage would be detrimental to the interests of amenity. The appeal thereby fails.

Timothy C King

INSPECTOR