

Appeal Decision

Site visit made 31 January 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 15th February 2017

Appeal Ref: APP/E0345/Z/16/3157272

291 Oxford Road, Reading RG30 1AS

- 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 against the decision of Reading Borough Council.
 - The application Ref: 160805 dated 29 April 2016, was refused by notice dated 30 June 2016.
 - The advertisement proposed is 1 x internally illuminated freestanding totem sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was revised at the application stage to reduce the height of the totem sign from 7.5m to 6m. My decision is based on the revised proposal.
3. A number of individual trees fronting, within and along the side of the site of the Lidl Store are protected under Tree Preservation Order 40/13 (TPO), including three plane trees, one to the west and two to the east of the main vehicular access to the store, along the Oxford Road frontage. At the time of my site visit, and as confirmed by the Council, unauthorised works had been undertaken to the tree closest to the proposed sign, to the east of the site access (Tree T2 on the TPO Schedule and Plan). Works to a tree covered by a TPO requires the prior written consent of the Council; the unauthorised works undertaken is a matter to be addressed separately by the Council.

Main Issue

4. The main issue in this appeal is the effect of the proposal on visual amenity, with particular regard to the effect on the protected tree adjoining the proposed sign and on the street scene.

Reasons

5. The appeal site lies on the south side of Oxford Road and I am advised is part of the Oxford Road West District Centre; the Lidl store is designated a key frontage. There is also a McDonald's restaurant/drive thru on the same site, sharing the same access. The surrounding area is mixed in character with retail and commercial uses as well as residential dwellings in close vicinity.
6. There is an existing flag style advertisement sign in the same location as the proposed totem sign. However, I am advised that this sign does not benefit from express consent. There is also a free standing advertisement sign on the

Oxford Road frontage used by McDonald's, as well as a variety of advertisement signage in close vicinity, primarily associated with the various retail and commercial uses.

7. I understand from the Council that the existing and consented free standing sign part way along the frontage was originally intended for shared use by both Lidl and McDonald's but is currently solely used by McDonald's. There is limited information before me regarding the current arrangements in respect of this sign, although I am advised that the existing sign does not match the Appellant's corporate format.
8. I agree with the Council that the tree planting which has been undertaken and is now protected under TPO 40/13 is visually important on this main road. The trees soften the existing built development and add visual interest to and enhance the general street scene.
9. In the context of the application for the proposed totem sign, the Appellant identified that works to the protected tree immediately to the east of the proposed sign would be required to minimise conflict between the proposed sign and the tree itself. Two options were proposed in the submitted report; either crown reduction on a biennial basis, or pollarding, with also a requirement for repeat works, albeit on a less frequent basis. The effect of these works would be to prevent the tree from growing into a full canopy tree and would therefore limit its visual benefit to the street scene. Plane trees are traditionally planted as street trees in urban locations and I am not persuaded by the arguments put forward by the Appellant that these particular trees, because of their siting, could not grow into full sized trees in the fullness of time.
10. I am further concerned that in order to maintain visibility of the sign, if consented, in both directions, there could be further pressures to undertake similar works to the other street trees on the Oxford Road frontage, which would potentially exacerbate the harm to the street scene. I have also noted, in this regard, that the Appellant's arboricultural report submitted at the application stage makes recommendations for similar works to the adjacent protected tree, for amongst other reasons, to keep the two trees 'in scale with one another.'
11. I understand and have taken into account the Appellant's concern to ensure visual and separate commercial identity for the benefit of customers, but this objective needs to be balanced with protecting the visual amenities of the local area. Whilst I do not share the Council's concern that the principle of a further sign would in itself harm visual amenity, given the location of the site within a designated retail area, the addition of a further sign in the location as proposed with its impact on the protected tree would, in my view, harm the street scene. I therefore conclude that the proposed internally illuminated free-standing totem sign would detract from visual amenity, with particular regard to the effect on the protected tree adjoining the proposed sign and on the street scene. The commercial considerations do not outweigh the harm to visual amenity which I have concluded.
12. The Council has referred to Policies CS7 and CS38 of its adopted Core Strategy and Policy DM22 of its adopted Sites and Detailed Policies Document in its reasons for refusal. In so far as these relate to issues of amenity, I have taken them into account in my decision as material considerations. I consider that the proposal would also conflict with these development plan policies.

13. Although the policy wording has not been provided, the Appellant has also referred to Policies CS26 and CS27 of the Core Strategy and Policy DM13 of the Sites and Detailed Policies Document, all of which I am advised seek to maintain and promote the viability and vitality of retail centres. Whilst I have taken into account the commercial issues relating to the application for the advertisement sign, I am not persuaded, on the basis of the limited information before me, that the refusal of consent for this proposed sign would affect the vitality and viability of the retail centre. Furthermore, these considerations do not outweigh the harm I have concluded to visual amenity.
14. For the reasons given above and taking into account all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR