
Appeal Decisions

Site visit made on 7 February 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 21 February 2017

Appeal A Ref: APP/J3720/Z/16/3161967

Pizza Hut, Unit P, Maybird Retail Park, Birmingham Road, Stratford-upon-Avon CV37 0HZ

- 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 Pizza Hut (UK) Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 16/02061/ADV, dated 1 June 2016, was refused in part by notice dated 12 October 2016.
 - The advertisements proposed are 4 no. 'Pizza Hut' fascia signs, 1 no. 'Come on in' fascia sign, 1 no. illuminated menu unit, 1 no. exposed neon takeaway sign, window messaging vinyls, red LED border tubing and recessive downlighters.
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Appeal B Ref: APP/J3720/Z/16/3160790

Pizza Hut, Unit P, Maybird Retail Park, Birmingham Road, Stratford-upon-Avon CV37 0HZ

- 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 Pizza Hut (UK) Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 16/02062/ADV, dated 20 June 2016, was refused by notice dated 17 August 2016.
 - The advertisement proposed is 1 no. pole sign.
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Decision

1. Appeal A is dismissed and appeal B is dismissed.

Procedural matter

2. In respect of appeal A, the Council issued a split decision in which express advertisement consent was granted for one 'Pizza Hut' fascia sign, the 'come on in' fascia sign, the illuminated menu unit and window messaging vinyls, all on the south elevation of the building. The Council have also confirmed that they have no objection to the window messaging vinyls on the north, east and west elevations. For the avoidance of doubt therefore, appeal A relates only to the three 'Pizza Hut' fascia signs on the north, east and west elevations of the unit, one exposed neon takeaway sign on the east elevation and the red LED border tubing and recessive downlighters on all elevations.
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Main Issue

3. The main issue in both appeals is the effect of the advertisements on the visual amenity of the area.

Reasons

Appeal A

4. The appeal site accommodates a detached unit occupied by Pizza Hut which is one of a handful of detached commercial building at the front of the Maybird Retail Park (the 'retail park'). The retail park is a large complex comprising a row of around 15 shops accompanied by an expansive car park which separates this row from the appeal site and the other detached buildings. There are a number of mature trees along the Birmingham Road frontage which reduce the contribution of the buildings in the retail park to the street scene.
5. On the opposite side of Birmingham Road there are a number of other commercial units, in a less formalised arrangement than at the retail park, and there are also some residential properties opposite and to the south of the appeal site. This mix of retail units, residential properties and mature trees is reflective of the area's suburban location.
6. The fascia signs on the main building in the retail park are understated as they are simple in design and lit only by downlighters. The adverts on the detached units in proximity to Pizza Hut are more brazen and some are internally illuminated. However most of the units have only one or two illuminated fascia signs which, together with the adverts on the main building at the retail park, gives a sense of restraint. The one internally illuminated fascia sign that the Council have already consented at the site would correspond with this character. Conversely, the intensification of illumination provided by the proposed additional three internally illuminated 'Pizza Hut' signs and the exposed neon takeaway sign would represent a significant departure from this established character.
7. I note that at present there are already 'Pizza Hut' fascia signs on all four of its elevations and these are currently halo lit. However from my site visit, which I partly conducted after sunset, I saw that the muted nature of the halo lighting means the existing fascia signs appear subtle. The proposed replacement fascia signs would be more blatant.
8. I do not consider the size of the fascia signs would be disproportionate to the size of the building, as it is a large unit. I also consider the number of fascia signs would not lead to clutter as they mostly replace existing signs. However the contrast between the proposed fascia adverts and the modest amount of illuminated adverts on the other units nearby would harm the character and visual amenity of the area.
9. Also all the detached units in the retail park have a limited number of identical large downlighters around the edge of their roofs, lending a sense of uniformity. The introduction of red LED tubing and a greater number of smaller downlighters at the site would result in the building differing visually with its neighbours. This contrast would add to the harm to the visual amenity of the area.

10. The trees along the frontage of the retail park would mitigate the visual impact of the proposed signage on the street scene. Nonetheless, due to their illuminated nature, it is likely that they would still be seen through the trees and the contrast with the other units in the retail park would be apparent. The distinction would also be very visible from within the retail park.
11. I acknowledge that the units on the opposite side of Birmingham Road are host to a number of illuminated adverts. However the trees along the front of the retail park provide a degree of separation from those units. Moreover, the strong design character of the retail park lends a sense of coherence which further distinguishes the retail park, and the units within it, from the other retail premises locally.

Appeal B

12. The proposed totem pole sign would be positioned just to the south west of the Pizza Hut unit. The top of the advert would be eight metres above the ground and would be visible from Birmingham Road above the trees along the frontage of the retail park. Indeed the ground level at the site is slightly higher than that on the Birmingham Road which would add to the sign's prominence.
13. There are no other totem signs of this height on the retail park or anywhere else along this part of Birmingham Road. The advert would appear taller than the building at the appeal site, the other detached units at the front of the retail park and the trees along the Birmingham Road frontage. Accordingly, although it would be set back a little from the Birmingham Road, the advert would nevertheless stand out as an isolated and incongruous feature in the street scene and would unacceptably harm the visual amenity of the area.
14. I acknowledge there is a totem pole advert at McDonalds, further south along Birmingham Road, which is closer to the road and appears prominently in the street scene. However this is closer to the urban centre, is adjacent to a signalised road junction, and is seen in the context of a number of tall buildings including a hotel to its north. Therefore I do not consider it comparable to the proposal before me. Moreover it is some distance from the site and so does not contribute to its context.

Conclusions

15. As such, for the reasons given above, and taking account of all other considerations, I conclude that the all the proposed adverts would harm the visual amenity of the area and therefore both appeals should be dismissed.

Andrew Owen

INSPECTOR