

Appeal Decision

Site visit made on 31 January 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/Z5630/Z/16/3156404

43 Market Place, Kingston upon Thames, KT1 1ET

- 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 Angelo Mareri (Azzuri Group) against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12628/ADV, dated 8 June 2016, was refused by notice dated 4 August 2016.
 - The advertisements proposed are described as "1 set of fascia text with bulbs over entrance – open trough – to replace existing, 1 set of text behind glazing with bulbs – open trough – to replace existing, 1 set of small text to fascia – non illuminated – to replace existing, 2 externally illuminated projection signs – to replace existing, 1 set of 3 non illuminated banners, 2 internally illuminated menus – to replace existing and 1 set of 7 non illuminated planters with text".
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Decision

1. That part of the appeal that relates to the display of 1 x illuminated fascia text with bulbs over entrance, 1 x illuminated text sign behind glazing with bulbs, 3 x wall mounted flagpole banner signs and 7 x flower box signs is dismissed.
2. That part of the appeal that relates to 1 set of small text to non-illuminated fascia sign over entrance and 2 x externally illuminated projecting signs is allowed and express consent is granted for their display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

3. The description of the advertisements in the heading above is taken from the application form. However, the Council's decision notice does not refer to internally illuminated menus. The parties have confirmed that the appeal relates only to the advertisements described in the Council's refusal notice and does not include the menus. Accordingly, I have determined the appeal on this basis. I have used the same description of the advertisements as that given in the Council's decision notice in my formal decision.
 4. At the time of my site visit some, but not all, of the proposed advertisements were in place. Accordingly, I have considered the appeal proposal on the basis of the proposed signage, as described on the Council's refusal notice, rather than that which is there at the moment.
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Main Issues

5. The main issue is the effect of the advertisements on the visual amenity of the area, particularly having regard to the character and appearance of the host building and the Kingston Old Town Conservation Area.

Reasons

6. The appeal site is a 3 storey red brick building with stone features which is occupied by an A3 (restaurant) use. The building is identified as a Building of Townscape Merit and is located in Kingston Town Centre on a prominent corner plot on the north side of Market Place opposite its entrance from Eden Street/High Street.
7. The building lies within the Kingston Old Town Conservation Area which has the character and layout of a medieval market town. The conservation area comprises buildings of two, three and four storeys height of various architectural styles. The Guildhall immediately to the south forms an important landmark building as does the Market House to the north.
8. The proposed set of small text to the non-illuminated fascia sign over the entrance would be in scale with the space on which it is displayed and would not detract from the composition of the stone portico. Furthermore, the two externally illuminated projecting signs being of a compact size and traditional design would be sympathetic to the character and appearance of the host building.
9. However, the illuminated fascia text with bulbs over the entrance would obscure the architectural detailing of the stone portico and appear incongruous and out of scale with the portico and entrance. Accordingly, it would detract from the character and appearance of the host building which is prominent in the street scene. The illuminated text sign behind the glazing with bulbs on the High Street frontage would appear as an unduly obtrusive feature on the host building and the 3 wall mounted flagpole banner signs would be overlarge and appear incongruous on a traditional building such as this. Furthermore, whilst the individual flower box signs may individually appear inoffensive the overall number proposed would introduce clutter onto the building and detract from the street scene.
10. To conclude therefore, the one set of small text to the non-illuminated fascia sign over the entrance and the two externally illuminated projecting signs would not materially harm the character and appearance of the host building and would preserve the character and appearance of the Old Kingston Conservation Area thereby according with policy 7.8 of the London Plan and policies CS8, DM10 and DM12 of the Royal Borough of Kingston upon Thames Core Strategy April 2012 (Core Strategy) which taken together seek, amongst other things, to ensure that local character is recognised, that regard is had to the historic environment and that heritage assets are preserved or enhanced.
11. However, the illuminated fascia text with bulbs over the entrance, the illuminated text sign behind the glazing with bulbs, the three wall mounted flagpole banner signs and the seven flower box signs would have a materially detrimental impact on the character and appearance of the host building and would fail to preserve the character or appearance of the Old Kingston

Conservation Area in conflict with policy 7.8 of the London Plan and policies CS8, DM10 and DM12 of the Core Strategy.

12. Although I have taken into account the Council's planning policies as material considerations, they have not of themselves been decisive in reaching my decision in this appeal.
13. For the reasons set out above, the appeal in respect of the 1 set of small text to non-illuminated fascia sign over entrance and 2 x externally illuminated projecting signs should be allowed as these would not be harmful to the visual amenity of the area. However, the appeal in respect of the 1 x illuminated fascia text with bulbs over entrance, 1 x illuminated text sign behind glazing with bulbs, 3 x wall mounted flagpole banner signs and 7 x flower box signs should be dismissed as they would be unacceptably harmful to the visual amenity of the area.

Beverley Doward

INSPECTOR