
Appeal Decision

Site visit made on 21 February 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 27 February 2017

Appeal Ref: APP/R5510/Z/17/3167783

Pizza Hut Ltd, Belmont Road, Uxbridge UB8 1JY

- 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 the Council of the London Borough of Hillingdon.
 - The application Ref 31836/ADV/2016/81, dated 8 September 2016, was refused by notice dated 30 November 2016.
 - The advertisement proposed is Replacement signage scheme comprising of 1 no Pizza Hut text hanging sign, 1 no. Hong Kong projecting sign, 1 no. come on in fascia sign, 1 no. menu unit, 1 no. buffet fascia sign and red LED border tube.
-

Decision

1. The appeal is dismissed insofar as it relates to the Hong Kong projecting sign, the come on in fascia sign and the buffet fascia sign. The appeal is allowed insofar as it relates to the Pizza Hut text hanging sign, the red LED border tube and the menu unit and express consent is granted for these advertisements as applied for. 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.

Preliminary matters

2. The advertisements proposed are already in place. I have determined the appeal on this basis.
3. For the reasons that follow, I find the Pizza Hut text hanging sign, red LED border tube and the menu unit to be acceptable and are clearly severable both physically and functionally from the Hong Kong projecting sign, the come on in fascia sign and the buffet fascia sign. Therefore, I intend to issue a split decision in this case and grant express consent for the Pizza Hut text hanging sign, the red LED border tube and the menu unit.

Main issues

4. The main issue is the effect of the advertisements on the visual amenity of the area.
 5. The appeal site lies opposite the Old Uxbridge and Windsor Street Conservation Area (OUWSCA). I have therefore also considered the effect of the advertisements on the setting of the OUWSCA.
-

Reasons

6. The appeal site is located on the southern side of Belmont Road, within the primary shopping area of Uxbridge Town Centre. The area is therefore strongly commercial in character. It comprises a unit within a wider parade of units located on the ground floor of a large, modern, commercial building complex. The shopfronts along the parade are set back within the footprint of the building below a protruding canopy. The overall design and appearance of the building, whilst somewhat dated, displays a strong sense of rhythm and uniformity within the streetscene.
7. The general lack of signage above the protruding canopy reinforces the canopy as a design feature of the building and emphasises the overall uniform appearance of the building. Any illuminated signage associated with other units within the parade tends to be limited to the fascia signs of these units. Existing advertisements within the parade therefore tend not to be overly prominent and to be sympathetic to the character and appearance of the host building, streetscape and area.
8. The Hong Kong projecting sign displays the words 'Pizza Hut' which are internally illuminated. The sign is surrounded by Cabochon lighting. This sign has replaced an existing internally illuminated projecting sign which displayed the words 'Pizza Hut'. Notwithstanding this, the sign currently in position is considerably larger than the one it has replaced. In addition, it is highly prominent and appears to be the only illuminated projecting signage above the protruding canopy of the building. Moreover, the sign extends below the protruding canopy. This further increases its prominence and considerably dilutes the importance of the protruding canopy as a design feature of the building. As such, this advertisement fails to respect and appears at considerable odds with the character and appearance of the building, the streetscape and area.
9. The come on in fascia sign is positioned above the recessed entrance to the unit and displays the internally illuminated words 'COME ON INTO YOUR HUT'. It is surrounded by Cabochon lighting. Whilst I note that there has previously been internally illuminated signage above this entrance, the come on in fascia sign is a particularly prominent addition to the unit and appears wholly out of keeping with the signage of other units within the parade, including in views from along Belmont Road. As such, this advertisement fails to respect and appears at considerable odds with the character and appearance of the building, the streetscape and area.
10. I acknowledge that the buffet fascia sign is largely obscured in views from the east, given its location on the return edge of the recessed part of the shopfront. Nevertheless, it is prominent from many other vantage points along Belmont Road and appears considerably out of keeping with the signage of other units within the parade. As such, this advertisement also fails to respect and appears at considerable odds with the character and appearance of the building, the streetscape and area.
11. According to the evidence, the internally illuminated Pizza Hut text hanging sign which displays the words 'Pizza Hut' replaced an internally illuminated sign displaying the same words which was attached to the fascia of the shopfront. As such, it is unlikely to appear materially different from the appearance of the previous sign or materially brighter. The main difference between these two

signs appears to be that the sign currently in position is sited somewhat further forward of the shopfront and hangs from the protruding canopy. Nevertheless, it is unlikely to appear substantially more prominent than the sign it replaced in views from along Belmont Road. The sign is simple in its composition and modern in design and does not detract, in my opinion, from the character and appearance of the building, streetscape or area. As such, it does not result in harm to visual amenity.

12. The Council raises the concern that given its positioning, this sign should be considered as a projecting sign and should therefore maintain a gap of at least 2.6 metres above the footpath, to accord with the guidance set out within the Council's shopfront SPD¹. However, this sign does not appear to overhang the footpath. Even if it did, it is unclear how this matter relates to visual amenity. It seems to me to relate more to public safety, a matter which did not form part of the Council's reasons for refusal. As such, I have no substantive reasons to consider that the approximate 2.09m gap between this sign and ground level is inappropriate. As such, I find no conflict with the SPD in this regard.
13. The red LED border tube is positioned around the recessed entrance to the unit. Whilst it is visible from vantage points along Belmont Road, I do not consider that this addition appears visually intrusive or materially adds to visual clutter on the shopfront or building in general. As such, it does not detract, in my judgement, from the character and appearance of the building, streetscape or area and does not result in harm to visual amenity.
14. The Council has indicated that it has no objection to the menu unit. I would concur with this view.
15. Whilst I consider that the Pizza Hut text hanging sign, the red LED border tube and the menu unit do not result in harm to visual amenity, I conclude that the Hong Kong projecting sign, the come on in fascia sign and the buffet fascia sign are overly prominent additions to the unit and cause a considerable level of visual clutter. Consequently, these advertisements fail to respect the character and appearance of the building, the streetscape and the area and result in harm to visual amenity. This would be the case even if the Cabochon lighting on the Hong Kong projecting sign and buffet fascia sign was static. As such, a condition to ensure this would not overcome the inherent harm.
16. A number of buildings on the northern side of Belmont Road, opposite the appeal site, fall within the northern part of the OUWSCA. This includes 9 Belmont Road, which is currently occupied by Prezzo. As such, I consider that the appeal site and the building it is located within can reasonably be said to fall within the setting of the OUWSCA.
17. I have had regard to the appeal decision² in respect of No 9 and note that the Inspector considered the advertisements proposed in that case were small and subtle and reflected the contemporary external appearance of the building. I observed this to be the case. In light of my findings above, I consider that the Pizza Hut text hanging sign, the red LED border tube and the menu unit would preserve the setting of the OUWSCA.

¹ Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Shopfronts 2006

² Ref APP/R5510/H/12/2174079

18. However, given that I find the Hong Kong projecting sign, the come on in fascia sign and the buffet fascia sign are overly prominent additions to the unit and cause a considerable level of visual clutter, these advertisements would appear at odds with any existing signage on the northern side of Belmont Road opposite the appeal site. This would result in some harm to the setting of the OUWSCA.
19. The starting point for my decision is the effect on visual amenity and the setting of OUWSCA rather than the development plan for the Borough. However, the Council has cited saved Policies BE4, BE27 and BE29 of the London Borough of Hillingdon Unitary Development Plan 1998; and Policy BE1, of the Hillingdon Local Plan: Part One Strategic Policies 2012. These policies seek to protect visual amenity and to preserve or enhance the visual qualities of conservation areas. These policies are therefore material to this case.
20. On the basis that I have found that the Hong Kong projecting sign, the come on in fascia sign and the buffet fascia sign result in harm to visual amenity and to the setting of the OUWSCA, these advertisements conflict with these policies. On the basis that I have found that the Pizza Hut text hanging sign, the red LED border tube and the menu unit do not result in harm to visual amenity or to the setting of the OUWSCA, these advertisements do not conflict with these policies.
21. Thus, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed insofar as it relates to the Hong Kong projecting sign, the come on in fascia sign and the buffet fascia sign, but allowed insofar as it relates to the Pizza Hut text hanging sign, the red LED border tube and the menu unit.

Alex Hutson

INSPECTOR