

Appeal Decision

Site visit made on 20 February 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 1st March 2017

Appeal Ref: APP/H1515/Z/16/3162732
72-74 High Street, Brentwood CM14 4AN

- 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 Marreri (Azzurri Group) against the decision of Brentwood Borough Council.
 - The application Ref 16/01158/ADV, dated 18 August 2016, was refused by notice dated 17 October 2016.
 - The advertisement proposed is described as one set of illuminated fascia text to replace the existing, one externally illuminated projection sign to replace the existing, and one internally illuminated menu (existing to be refurbished).
-

Decision

1. The appeal is allowed and express consent for the display of one illuminated fascia text advertisement, one externally illuminated projecting sign, and one internally illuminated menu sign, as applied for is granted. 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

2. With regard to the appellant company's name, I have taken the spelling of 'Azzurri' from the appeal form rather than from the application form.
 3. On my site visit I noted that the fascia sign and the projecting sign as applied for appeared to be already in place, although the proposed menu sign was not. In my formal decision above, I have broadly used the appellant's description, albeit, in the interests of clarity and as the advertisements that were previously on the building form no part of this scheme, I have omitted reference to the 'existing' signage.
 4. The Council's Historic Buildings and Conservation Officer states that awnings on the building are unacceptable and were previously dismissed at appeal. Whilst awnings are depicted on photo Rev B, they are not referred to in the Council's decision, and form no part of the scheme's description. In response to an email to both parties the Council replied on 21 February 2017 to state that such awnings benefit from deemed consent, and that this one therefore forms no part of the appeal proposal. Consequently, although a reply was not received from the appellant, I have not considered the awning as part of this appeal.
-

Main Issue

5. The main issue is the effect of the advertisements on the character and appearance of the area, including the Brentwood Town Centre Conservation Area.

Reasons

6. The National Planning Policy Framework ('Framework') states at chapter 7 that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. However, only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment, and should be subject to control only in the interests of amenity and public safety.
7. The Planning Practice Guidance states that the neighbourhood's local characteristics should be considered, and that the scale of advertisements should be in keeping with important historic, architectural or cultural features.
8. High Street, Brentwood is a busy commercial road with an array of uses including retailing and leisure. Many of the units announce their presence with fascia signs, as well as hanging signs and other projecting advertisements. Typically those advertisements are placed at ground floor level just above the shop front. However, I observed some higher signage such as a large hanging sign between first and second floor at Sugar Hut – a listed building diagonally opposite the appeal site; and an illuminated hanging sign at first floor level at The Swan, and similar ones at other units close by.
9. Consequently, looking up and down High Street within the Brentwood Town Centre Conservation Area, whilst much of the signage is at or close to ground floor level, there are also a significant number of advertisements, some of which are illuminated, at higher positions on the buildings.
10. The fascia sign at nos. 72-74 sits above the restaurant's largely glazed ground floor frontage. I understand that it is illuminated by clear LEDs, and that the level of illumination is well below the maximum recommended by the Institute of Lighting Engineers. The previous panel was also illuminated, was a similar size and was also made of aluminium. Whilst this advertisement's lettering is larger than that on the previous advertisement, I am satisfied that it fits in with other fascia signs in this commercial environment.
11. The proposed wall-mounted menu sign would be slimmer than its predecessor and would thereby fit comfortably within the building's upstand. It would be fairly discretely located low on the building, would project only slightly from its front face, and its means of illumination would be similar to the existing menu sign.
12. The hanging sign is located at first floor level, higher up the building than the one it replaced, and between the restaurant's first floor windows. Although its height and illumination mean that it can be clearly seen looking up and down High Street, that is in the context of some other hanging and projecting signs above ground floor level. Relative to the host building it is of a very modest size, and its background colour is similar. Furthermore, its illumination by means of trough lights is the same as the previous sign.

13. Consequently, I am satisfied that neither the proposed menu sign, nor the other advertisements the subject of this appeal, harm the character and appearance of the area, including the Brentwood Town Centre Conservation Area.
14. The Council has referred in its decision to policies CP1 and C14 of the Brentwood Replacement Local Plan 2005 ('LP') which, amongst other matters, state that development should not have an unacceptable impact on visual amenity, and should preserve or enhance the character or appearance of conservation areas. More specifically, LP policy C22 states that within conservation areas signs should be painted timber and designed to preserve or enhance the character of the building and the area; and that other than in Brentwood Town Centre Conservation Area internally illuminated signs will not be allowed. LP policy C23 states that externally illuminated hanging signs may be allowed in place of fascia signs and above fascia level provided they complement the character of the building.
15. However, the Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken into account the Council's planning policies, which are material in this case, and I note that this scheme would not fully accord with them, particularly with regards its materials and the inclusion of both a fascia and a hanging sign, the policies have not been a decisive consideration in my decision. The scheme, which is partly in place, would not harm the area's character, and would not conflict with the Framework or advice in the Planning Practice Guidance.
16. Although the Council's report refers to a 'potential to impact' the visual amenity of nearby listed buildings, its reason for refusal does not state that the setting of listed buildings would be harmed. Whilst I understand that White Hart Inn (occupied by Sugar Hut) is grade II* listed, it is on the opposite side of the road and has its own signage. In assessing amenity, I am satisfied that its setting would not be harmed.
17. In addition to the standard conditions the Council has suggested a condition requiring that details of the materials and method of illumination of the fascia sign be submitted. However, as those details are clearly specified on drawing no. 563214-4, that condition is unnecessary. For the above reasons, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR