The Planning Inspectorate

Appeal Decision

Site visit made on 18 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/C3240/Z/16/3165468
Lidl UK, Castle Street, Hadley, Telford TF1 5GH

- 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 Telford and Wrekin Council.
- The application Ref TWC/2016/0766, dated 16 August 2016, was refused by notice dated 21 October 2016.
- The advertisement proposed is an internally illuminated 7.5m high totem sign.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the display on amenity.

Reasons

3. This length of road from Britannia Way down to the car showroom has a distinctly residential character as it is lined by houses and flats that enclose the highway. As a result, when I visited at dusk it was relatively dark, lit only by street lights, head lights and light spillage from the windows of houses.

4. There are 2 exceptions to this residential pattern. The first is a premises occupied by Capital Appliances Limited. This though was displaying little external lighting at the time of my visit and did not have prominent signage, so although not being a residential use it nonetheless did not conflict with the darkness in the street scene or the character of the area.

5. Next to that was the supermarket subject of this appeal. That was the source of considerable light, with spillage through the windows and illumination coming from the signage. However, the positions of the advertisements and windows meant this was not apparent along all of this stretch of road, but rather could only be appreciated when nearer the building. Moreover, during the day when the impact of lighting would be less the orientation of the signage would mean the commercial nature of the building did not intrude unduly into this residential streetscape. Overall, I consider this supermarket and the Capital Appliances Limited site do not have a sufficient impact on the area to undermine the residential nature of this section of road.

6. What is now proposed would be an internally illuminated advertisement 7.4m high and 2.67m wide. It would stand on the furthest side of the car park at the corner with Castle Lane and its illuminated faces would be visible from both directions along Castle Street.

7. To my mind the proposal would be sufficiently separate from the building to mean it would not result in a clutter of advertisements around the supermarket site as a whole.

8. However, when turned on in the hours of darkness, its location adjacent to the pavement and its orientation along the road would mean it increased the artificial light on this section of Castle Street and the area over which the illumination associated with the supermarket was experienced, while its height would mean it was dominant and noticeable. In the daylight hours when it was not lit, its siting, size, colour and material would result in it still not being a subordinate or compatible element in this streetscape. Rather, it would be a large striking commercial feature in what was otherwise an area mainly comprising flats and houses.

9. As a result, I consider the advertisement would be alien and incongruous in this context, undermining the residential nature of this length of road and harming its amenity. Indeed, even if I were to consider its height could be restricted by condition to 6.5m my findings would be unchanged.

10. In coming to this view I am aware the new block of flats adjacent is taller, but the impact of the proposal is not solely due to height. That building is a residential development with an entirely different visual impact to the advertisement before me and so does not have a comparable relationship to the surroundings. Any trees nearby are also not of a similar character.

11. The Appellant drew comparisons with the area to the east referred to as Trench Lock, where there are uses such as a garage/supermarket, a fast food outlet, a car showroom, some retail units and a play barn that, with a few houses, are loosely grouped around a road junction. However, whilst Trench Lock and the appeal site may be only some 400m apart, significant changes in character can occur over relatively short distances. To my mind in visual terms Trench Lock is distinct and separate from the length of road in which the appeal site is located. The 2 areas are also of profoundly different characters, with the tight residential development on Castle Street contrasting markedly with the open spacious commercial layouts of sites at Trench Lock. This appears to agree with the view of a previous Inspector who considered an appeal for an advertisement on the Appellant's site in 2009[1]. As a result, the signage around the commercial units at Trench Lock does not demonstrate to me that the proposal at the appeal site, with its different and predominantly residential character, would be acceptable.

12. Although Trench Lock and the appeal site are both not shown as being allocated in any particular manner on the policies map accompanying the development plan it does not necessarily follow that they are similar. Rather it means only that neither has been identified as being within the designations that merit specific notation.

13. I was told the Council accepted Trench Lock and the Appellant's supermarket were *'close'* when considering the issue of opening hours, while Lidl UK was required to undertake road improvements at Trench Lock in connection with its store. However, although Trench Lock might be linked to the appeal site with regard to traffic flows or noise and disturbance, these matters do not concern the visual impact which is at the heart of this case.

[1] Appeal APP/C3240/H/2093273 dated 23 March 2009

14. On this matter the Appellant said there was no policy basis to set different thresholds for clutter of advertisements in residential and commercial areas, but that is not a view I share. Paragraph 67 in the *National Planning Policy Framework* talks about the effect of advertisements on their surroundings, and to my mind advertisements in a residential area could have a very different impact when compared to the effect of those same advertisements in a distinctly commercial context. In any event, whilst there are numerous advertisements around Trench Lock, many did not appear to require express consent and so lay outside the control of the local planning authority

15. Reference was also made to another site some 1.5km away, but again I see no reason why advertisements there need to have a decisive effect on how to consider an advertisement here.

16. In support of its case the Appellant stated the visibility of the store is limited to 100m in one direction and 60m in the other. I would anticipate though that many of the customers would know the store was there anyway, but given the speed limit on the road I nonetheless consider that these distances would still allow those who were unaware of the store's presence or who had not intended going there to decide to pull into the car park. There may be some drivers who missed the junction and had to turn around, but on the evidence before me I am not satisfied that would have any material effect on the business or on highway safety and so does not outweigh my concerns.

17. The Council also referred to the effect of the proposal on the living conditions of residents. Although not specified, I assume this related to the future residents of the new flats adjacent and concerned times when the advertisement was illuminated. Whilst there were no written representations from the owners of those flats to that effect there are many reasons why people chose to make (or not make) such representations, and so the absence of such comments in itself does not undermine the Council's concerns.

18. Notwithstanding that point though, I consider that the outlook those flats now provide coupled with the likelihood that curtains would be drawn and the possibility of the advertisement being turned off mean their occupants would not experience an unreasonable harm to their living conditions.

19. Accordingly I conclude the proposal would harm amenity as it would clearly have an appreciable impact on its surroundings. As such it would conflict with the *National Planning Policy Framework*, and, insofar as it is a material consideration, Policy S31 in the *Wrekin Local Plan 1995-2006.* In the absence of any benefits to outweigh this harm the appeal should be dismissed.

J P Sargent

INSPECTOR