

Appeal Decision

Site visit made on 17 March 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/C2741/Z/16/3155175

The Clockhouse Public House, Kingsway West, Acomb, York, North Yorkshire, YO24 3BA

- 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 Paul Harris against the decision of City of York Council.
 - The application Ref 16/00601/ADV, dated 4 March 2016, was refused by notice dated 31 May 2016.
 - The advertisement application is for the display of 2 No. internally illuminated signs and a programmable message board.
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Procedural Matter

1. The address of the appeal site has been identified as *Clockhouse* by the appellant on the planning application forms. The Council has identified the appeal property as *The Acomb* on the Notice of Decision, which I note the appellant had subsequently adopted within the Grounds of Appeal. I am satisfied that both parties are referring to the same appeal property. However, whilst I accept on the basis of the submitted evidence that the public house was previously known as The Acomb, it was clear at my visit and from the signage applied for that the premises are currently known as The Clockhouse, and I consider this to be the most appropriate means of identifying the appeal site.

Decision

2. I dismiss the appeal.

Main Issue

3. The National Planning Policy Framework (the Framework) sets out at paragraph 67 that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
 4. In this instance, the Council has raised concerns in respect of the impact of the 2 No. fascia signs on the visual amenity of the area and the host building, and the programmable message board on public safety related to highway users.
 5. As a consequence, the main issues are the effect of the advertisement on the visual amenity of the area and the host building, and the effect of the advertisement on public safety.
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Reasons

6. The appeal site is occupied by a large public house and associated land and parking, and occupies a prominent position at a large roundabout within a predominantly residential suburban area of York. It was evident at the time of my site visit that the advertisements had already been installed on the building. The advertisements comprise two substantial individually-lettered fascia signs forming the legend 'Clockhouse', and set on either side of a central Clock Tower feature above the first floor windows, and a programmable message board standing on top of a flat roof single storey section of the public house, facing towards Tudor Road.
7. I have carefully considered the impact of the advertisements and I am sympathetic to the commercial needs of the business to advertise. I have also had regard to the appellant's contention that many commercial premises benefit from the ability to be able to display advertisements without the need for express consent. However, in this instance the fascia signs are of a substantial size being approximately 0.7 metres in height and a combined width of 8.5 metres in length, which when considered with their elevated position on the public house, results in an overly dominant visual impact on both the existing building and the wider area. The effect of the colour and illumination only serves to exacerbate the visual impact of the fascia signage, which whilst clearly a desirable effect from a commercial standpoint, is harmful in the context of the appearance of the existing building and inappropriate in its incorporated form in this residential area.
8. Turning to the programmable message board, I note that it also occupies a prominent position on the Tudor Road elevation, projecting above the extent of the roof, and as a consequence of its size and position on the building, it would also appear as an incongruous addition.
9. In respect of the impact on public safety, I observed the message board was being used at the time of my visit to advertise details of events at the public house, including information related to the timing of forthcoming televised domestic and international football matches. Given the prominence of the location of the message board, I share the Council's concerns related to the distraction that the message board would be likely to have on motorists when approaching the nearby roundabout. This concern is particularly as a consequence of the generally small size of the text, the extent and detail of information being provided, and the animated and moving format of the message board. I accept that the very nature of the signage is to provide a degree of distraction, but I find that the location and format of message board does not provide support for the conclusion that there will not be an adverse impact on highway safety.
10. Whilst I am mindful of the level of investment which has been made in the public house by the appellant, on the basis of the submitted evidence and my observations of the site, I conclude that the signage results in harm to the visual amenity of the area and the host building, with the message board also having an adverse impact on the public safety of highway users.
11. The Council has referred to the City of York (Draft Local Plan Incorporating the 4th set of changes) Development Control Local Plan 2005 (the Local Plan). Whilst not decisive, I have had regard to Policy GP21 of the Local Plan, which sets out that advertisement consent will be granted for signs where there is no

adverse effect on public safety, and in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding public areas and buildings. Further to the reasons already given, the proposed signage would be contrary to this policy and would also conflict with the Framework, which seeks to prevent the negative impact of poor advertisements.

Conclusion

12. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR