
Appeal Decision

Site visit made on 3 May 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/P4415/Z/17/3167340

5a Gate Park, Parkgate Rotherham S62 6FR

- 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 'In N Out' against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/1332, dated 12 September 2016, was refused in part by notice dated 1 December 2016.
 - The advertisement proposed is illuminated flex face signs and LED illuminated message board.
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Procedural and Preliminary Matters

1. The original application was for a total of 10 signs on an industrial unit within a mixed retail and industrial complex, allocated numbers by the Council for clarity and convenience. In the context of a split decision by the Council, signs 4,6,7,8,9 & 10 have been approved. The appeal concerns all the refused signs, i.e. **1,2,3** and **5**.
2. However, signs **1** and **5**, on the rendered corner of the building have already been erected and I therefore treat the appeal, insofar as it relates to those signs, as an application for retrospective advertisement consent. The appeal is prospective, on the other hand, in the case of the signs **2** and **3** proposed on the south elevation facing the dual carriageway known as Great Eastern Way.

Decision

3. The appeal is allowed in part and consent is granted for the display of signs **1** and **5**. This consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.
4. The appeal is dismissed in respect of signs **2** and **3**.

Main Issue

5. The main issue is the effect of the proposed signs on the character and appearance of the building and the area.

Reasons

6. The Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Therefore the development plan policies referred to by the parties cannot, of themselves, be decisive. But I have taken them into account as a material consideration as I have the relevant parts of the National Planning Policy Framework and the Planning Practice Guidance.

7. Gate Park is a modern and conspicuously commercial development in a wider area with many similar developments and comprises mainly grey clad and very simple retail units occupied primarily by correspondingly simple and limited signage fronting the car park alongside the Great Eastern Way. A totem sign near the entrance to the car park lists all occupants of the units including the unit at issue which is one of a pair occupied by motor trades separate from the retail units, to the east of the car park entrance and generally characterised by a greater intensity of signage.
8. Despite this greater intensity of signage, the units occupied by the appellant company and its adjoining neighbour (which is distinctly and obviously a separate enterprise), even with the signs 1 and 5 on the rendered corner (which I am addressing retrospectively), narrowly avoids appearing unacceptably cluttered with signage relative to the more subdued and simple impression conveyed by the retail units in the context of a development remarkable for its pleasing clean lines and simplicity of style.
9. Contrary to what the Council maintains, the large company logo signs 1 and 5 on the rendered corner, do not unduly compromise its appearance. There is a certain visual logic to emphasising the leading corner of the industrial units and the signs retain a simplicity consistent with the broader scene, set off by the grey cladding across the south elevation between the leading corner thus emphasised and the single sign on the south elevation across the top of the neighbouring '*formula one autocentres*'.
10. For these reasons I do not consider signs 1 and 5 to be detrimental to amenity and accordingly propose to allow the appeal as far as they are concerned.
11. Signs 2 and 3 (the LED message board and a further company logo) are a different proposition however, notwithstanding the fact that 3 would essentially replicate 1 and 5. Continuing across the façade of the building with different signs of the same large size as far as the slightly stepped back sign for '*formula one autocentres*', which is continuous but of a lesser vertical dimension, would have the effect of merging the whole of the south elevation facing Great Eastern Way, at the entrance to the complex, under a disparate assemblage of dominating signs. Cumulatively, these would appear incongruously cluttered in the context of the simpler and more generally subdued approach of the complex as a whole notwithstanding that this more individual pair of units is demonstrably capable of carrying a greater intensity of signage than the larger, more uniform and prominent retail units. The visual balance between plain cladding and more colourful and complex signage would be adversely tipped towards a less visually ordered and logical appearance, an effect which would be highlighted by the lack of symmetry relative to the customer reception door and sign below. The overall effect on the character and appearance of the building and the area would be adverse and therefore detrimental to the interests of amenity.
12. I have taken into account all other matters raised but, for the reasons given above, I consider that whilst the appeal should succeed in respect of the signs 1 and 5 already erected, it should fail in respect of the proposed signs 2 and 3.

Keith Manning

Inspector