
Appeal Decision

Site visit made on 15 May 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/U3935/Z/17/3170083

MacDonald's Restaurant, 23-25 Canal Walk, Swindon SN1 1LD

- 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 McDonald's Restaurants Ltd against the decision of Swindon Borough Council.
 - The application Ref S/ADV/16/1750/CHHO, dated 3 October 2016, was refused by notice dated 10 January 2017.
 - The advertisement proposed is for the installation of 1No. new high level projecting sign with internally illuminated golden arch on non-illuminated khaki green background.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed advertisement display on the character, appearance and amenity of the area.

Reasons

3. The proposed advertisement would be displayed on the north-west elevation of the restaurant unit which occupies a prominent corner location within the pedestrianised shopping mall that opens up into a square at this location. The appeal scheme is an internally illuminated sign lighting up the golden arch symbol that is representative of the appellant company. The overall rectangular shaped sign measuring some 3m x 0.8m would be located at and above fascia level
 4. The appeal property comprises a two storey structure with extensive areas of glazing at ground and first floor below a glazed canopy. Above the corner section is the principal shopping centre sign that projects over as part of the glazed canopy. The proposal would replace a much smaller and altogether restrained projecting fascia sign situated at fascia level.
 5. The appellant draws attention to similar signage at other premises within the centre. However, in the main, shop signs within the centre comprise either signs that are flat with the individual fascia or smaller projecting signs that occupy a similar vertical depth as the fascia. The appellant maintains that the sign is smaller than some others within the centre and sitting below the canopy would mean that it would not appear over dominant or incongruous. I disagree as, notwithstanding the presence of the modern structure and
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shopfront, I find that the overall extent, height and position would create a visually dissenting feature viewed against the uniform depths of existing fascias and fenestration along this side of the mall. The resulting incongruous relationship would be harmful to the character and appearance of the area and thus amenity.

6. The Council has drawn my attention to the policies and guidelines they consider to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Government's Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies and guidance have not therefore, by themselves, been decisive.
7. I have considered the appellant's comments in respect of the Council's approach to considering the proposal and its previous decisions relating to signage at other locations in proximity to the appeal site. However, I note that previous planning consents for signage at the site date back to 1996 and 2010 which is prior to publication of the Government's Framework and PPG. This limits the weight that I can attach to these previous decisions.

Conclusion

8. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed as the sign would be detrimental to the interests of amenity.

Gareth W Thomas

INSPECTOR