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## Appeal Decision

Site visit made on 9 May 2017

**by Jonathan Tudor BA (Hons), Solicitor (non-practising)**

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

**Decision date: 31 May 2017**

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**Appeal Ref: APP/D1835/H/16/3164594**

**Kwik-Fit, 1 Carden Street, Worcester WR1 2AT**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
  - The appeal is made by Mr Simon Holt (European Tyre Enterprise Ltd) against the decision of Worcester City Council.
  - The application Ref A16D0072 is dated 10 August 2016. The conditions in dispute are Nos 4 and 5 which state that:
    - (4) Notwithstanding any details shown on the submitted plans, the approval hereby granted does not permit the trough lights for the reception signs and any trough light installed shall be removed within one month from the date of this permission.*
    - (5) Notwithstanding any details shown on the submitted plans, the approval hereby granted does not permit the display of the illuminated free standing pylon sign. The illuminated free standing pylon sign installed be removed within one month from the date of this decision.*
  - The reasons given for the conditions are:
    - (4) In the opinion of the Local Planning Authority the trough lights are a visually discordant addition to the premises that unacceptably detract from the visual amenity of the site, the character and appearance of the conservation area and wider street scene and are thereby also contrary to policy SWDP21 of the South Worcestershire Development Plan 2016 and the aims and interests that the National Planning Policy Framework seek to protect and promote with regard to the display of advertisements.*
    - (5) In the opinion of the Local Planning Authority the illuminated free standing pylon sign unacceptably detracts from the visual amenity of the site, the character and appearance of the conservation area and wider street scene by reason of its height, location and mode of illumination and would thereby also be contrary to policy SWDP 21 of the South Worcestershire Development Plan 2016 and the aims and interests of the National Planning Policy Framework seek to protect and promote with regard to the display of advertisements.*
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council Officer's report advises that the application was retrospective, as the signs were being installed at the time of the Council Officer's site visit. It further advises that the signs are in place and that a direct assessment of the signage could be made. However, at the time of my site visit there were no trough lights or reception signs in the positions illustrated at points 8 and 13 of the submitted Signage Scheme (Rev c), although there were reception signs on the south and east elevations of the building adjacent to the reception entrance doors. The illuminated free standing pylon sign, shown at point 18 of
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the Signage Scheme, was in place. I have considered the conditions in dispute and determined the appeal on the basis of the scheme illustrated in the Signage Scheme (Rev c) document submitted by the appellant.

3. I conducted my site visit during the day but returned at night to enable me to view the illuminated elements of the freestanding pylon sign.

### **Main Issue**

4. The main issue is the effect of the signage on the visual amenity of the area and whether the disputed conditions are necessary and reasonable.

### **Reasons**

5. The appeal site is located in a prominent position on the corner of Carden Street and City Walls Road, a main arterial route into the city. The industrial unit is a sizeable single storey building constructed of brown brickwork with a corrugated sheet pitched roof. City Walls Road is a four-lane dual carriageway which forms the boundary between the Historic City Conservation Area (CA) to the west and a commercial area to the east, which includes the appeal site.
6. The illuminated freestanding pylon sign is located at the north western corner of the site, facing onto City Walls Road and immediately opposite the CA boundary. Looking southwards from various vantage points along the road, the pylon sign at 4.6 metres high, according to the Signage Scheme, appears well above the eaves height and sloping roof of the appeal building.
7. Although there is some signage attached to other buildings, on the corner of Charles Street, they are on the opposite side of the road and do not dominate the view to the same extent as the tall blue, yellow and white pylon sign at the roadside. In any case, the cumulative effect of additional large signage would itself be harmful.
8. It is acknowledged that signage needs to be visible, but there is no other signage on that side and part of City Walls Road of a comparable size and scale. Whilst only the top panel of the sign illuminates, its white and yellow text and large yellow arrow are particularly visible at night. Therefore, I consider that due to its excessive height, in particular, it appears too prominent and incongruous both against the backdrop of the appeal building and in the wider street scene.
9. Statute<sup>1</sup> requires that special attention shall be paid to the desirability of '*preserving or enhancing the character or appearance*' of a CA. That can include its setting. Although the appeal site is outside the CA, again looking south along City Walls Road, the distinctive pylon sign can be seen with Laslett's Almshouses and the tower of the Cathedral, both within the CA, in the wider backdrop. Whilst I recognise that the pylon sign replaced a previous freestanding sign on the site, as illustrated in the Signage Scheme, the new pylon sign appears considerably larger and more prominent and adversely affects views towards the CA.
10. The proposed trough light above the reception sign, shown at point 8 in the Signage Scheme, would be located on the grey fascia boarding on the southern gable end of the building. That fascia has no signage on it and, taking into

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<sup>1</sup> s72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

account the signage below; it would appear out-of-place, high on the elevation and projecting from it. The proposed reception sign, including light trough, above the entrance door on the eastern elevation would also, albeit to a lesser degree, when considered as an addition to the long fascia sign above, have a negative effect. Given their relative size and position on the south and east elevations, I do not consider that they would have and an adverse effect on the setting of the CA. Overall however, the position, projection and additional illumination caused by the trough lights would have a cumulative adverse effect on the host building and the street scene.

11. The appellant has provided photographs of signage on other buildings within the commercial area, but they are further east along Carden Street and not as visible from City Walls Road. Most of that signage is similar to the fascia signage that was approved under the submitted scheme. Although some of the signage on the other buildings is also illuminated, it is more confined within the commercial area and not as prominent as the tall illuminated pylon sign, which is in a more sensitive location on a main arterial route into the city and adjacent to the CA. The signage on other buildings does not automatically set a precedent for further signage at a different location. In any event, I have considered the appeal on its own merits.
12. Whilst the appellant says that the scheme has been devised taking into account the trading location, I do not consider that sufficient account has been taken in respect of the disputed signage, though I note that the majority of the signage in the overall scheme was approved by the Council. I also recognise that the appeal site is part of a national business with a corporate and brand identity that needs to be consistent across the country. Nevertheless, that does not legitimise the harm to the visual amenity of the area that I have identified. It is also reasonable to consider that it should be possible to devise more acceptable signage, particularly in terms of scale and height, which can equally fulfil the requirements of the business.
13. The above factors lead me to conclude that the signage would harm the visual amenity of the area and that the conditions imposed by the Council are necessary and reasonable. I have taken into account policy SWDP 21 of the South Worcestershire Development Plan<sup>2</sup> which, amongst other things, advises that illuminated signage will only be permitted where lighting is unobtrusive or not considered to be harmful to the character and appearance of the site or surroundings, and so is material to this case. Given that I have concluded that the relevant signage harms visual amenity, it follows that it conflicts with that development plan policy.

## **Conclusion**

14. For the reasons give above, I conclude that the appeal should be dismissed and the disputed conditions retained in their present form.

*Jonathan Tudor*

INSPECTOR

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<sup>2</sup> Adopted February 2016