
Appeal Decision

Site visit made on 23 May 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 5 June 2017

Appeal Ref: APP/C3430/Z/16/3163854

41 High Street, Kinver DY7 6HF

- 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 Andrew Sweeney against the decision of South Staffordshire Council.
 - The application Ref: 16/00374/ADV, dated 26 April 2016, was refused by notice dated 29 September 2016.
 - The advertisement proposed is described as 'signage - painting on the frontage of the building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a Conservation Area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The reason for refusal states that the proposed advertising would be contrary to development plan policies. Whilst I have taken the relevant policies into account insofar as they are relevant, the powers to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) may only be exercised in the interests of amenity and public safety. Consequently, whilst material they have not been decisive in my determination of this appeal.

Main Issue

4. The main issue is the effect of the advertising on the character and appearance of the area bearing in mind the special regard that should be paid to the desirability of preserving the character or appearance of the Kinver Conservation Area.

Reasons

5. The appeal relates to a terraced commercial building that is currently in use as a holistic therapy centre. The façade is finished in a laurel green render with an extensive, painted mural on the ground floor depicting crystals and scenes from nature. The mural incorporates the name of the business above one of the ground floor windows. The name of the business and contact details are also depicted on a large hanging sign above the main entrance. The appeal

property occupies a prominent position near the centre of a historic commercial frontage that characterises the main thoroughfare of the village.

6. The Kinver Conservation Area (CA) covers a wide area of varying character and topography which helps to create an attractive range of buildings set within a pleasant rural setting. The core of the village has a significant number of listed buildings along its main thoroughfare. These comprise notable examples of 16th and 17th century timber-framed houses as well as a significant number of 18th and 19th century buildings with historic architectural detailing. The use of traditional materials, varying architectural forms and historic shop fronts all help to create a strong identity to the core of the village. Given the above, I find the significance of the CA, insofar as it relates to this appeal to be associated with the traditional materials and form of its historic buildings.
7. I observed that the predominant building material along High Street is red brick and clay tiles with a number of façades either being painted or rendered. Notwithstanding the timber-framed buildings to the south east of the appeal property and the White Harte, the colour palette is limited to either white or pastel shades. These colours are applied in a uniform fashion and are sympathetic to the historic character of High Street. However, the same cannot be said for the mural which, whilst innovative, is nevertheless a highly incongruent, strongly urbanised feature that has caused significant disruption to the established character and appearance of the area through its bold colours and heterogeneous appearance. Its prominent location is such that it can be seen from multiple vantage points along High Street and has consequently disrupted the harmonious architectural composition of this historic thoroughfare thus failing to preserve the significance of the CA.
8. The appellant is of the opinion that the mural enables the sustainable re-use of a heritage asset, is reversible and a form of 'enabling development'. In this instance I have no substantiated evidence before me to suggest that the building is listed. As already stated, the power to control advertisements under the Regulations is limited in scope and relates to the specific harm that has been caused to visual amenity in this particular instance. As the appeal is against the refusal of consent to display an advertisement, rather than one against works to a listed building, these matters carry little weight as they go beyond issues directly related to the visual impact. Similarly, a number of other matters relating to the relevance of a management plan¹, community consultation, restoration of a derelict building, the vitality and viability of the village and the unfortunate death of the painter have also been raised which also fall beyond the scope of an appeal made under the Regulations.

Conclusion

9. For the above reasons and having regard to all other matters raised, I conclude that the proposal is unacceptable on amenity grounds and that the appeal should, on balance, be dismissed.

Roger Catchpole

INSPECTOR

¹ Kinver Conservation Area Management Plan (2010). South Staffordshire Council.