

---

## Appeal Decision

Site visit made on 6 June 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 23 June 2017

---

**Appeal Ref: APP/T3725/Z/17/3172735**

**6 Satchwell Court, Royal Priors Shopping Centre, Leamington Spa CV32 4QE**

- 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 Brett Parker against the decision of Warwick District Council.
  - The application Ref W/16/1925 dated 21 October 2016, was refused by notice dated 10 March 2017.
  - The advertisements proposed are described as 'external redecoration of existing shopfront with new corporate signage with internal works to include redecoration to walls, ceilings & flooring'.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters and Background

2. The Council issued a split decision in which express advertisement consent was granted for the display of 2 non-illuminated fascia signs, 1 non –illuminated projecting sign and 1 vinyl sign. This appeal relates to the refusal of the redecoration of the existing shopfront.
  3. The redecoration included the application of navy blue and white striped paintwork to two pilasters. The parties disagree on whether such works should be defined as being an advertisement. Section 336 (1) of the Town and Country Planning Act 1990 (TCPA) defines an advertisement as:
  4. *"any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements."*
  5. I have noted that the appellant contends that the paintwork proposed to the pilasters does not form part of the advertisement application. However, by their own analysis the external redecoration of the existing shopfront forms part of the description of that which has been applied for and full details of the redecoration has been submitted including paintwork design.
  6. The Council has submitted photographs of similar horizontal striped navy blue and white paintwork used by the occupying business across its other premises.
-

The paintwork forms part of the company's brand identity being synonymous with its brand name.

7. Taking into account this expression of the company's corporate distinctiveness along with the other factors above, in combination, it is reasonable to interpret this element of the external redecoration as being to all intents and purposes for advertisement, announcement and direction.
8. The Council has dealt with this application for advertisement regulation consent as including the paintwork to the exterior pilasters<sup>1</sup>. I am not persuaded that this appeal should not be determined in any other way than to reflect the Council's stance. As such I have considered the appeal accordingly.

### **Main Issue**

9. The Regulations<sup>2</sup> and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
10. Accordingly, the main issue is the effect of the advertisement on the visual amenity of the area, with particular regard to whether it would preserve or enhance the character or appearance of the Leamington Spa Conservation Area (LSCA).

### **Reasons**

11. The appeal site comprises a clothes shop located at Satchwell Court, an outside pedestrianised area close to the entrance of the Royal Priors Shopping Centre. The site is located within the LSCA and town centre. The two pilasters are located centrally within the shop frontage.
12. Surrounding retail and restaurant frontages are painted in a consistent and muted fashion, which contributes to the traditional, simple and pleasant character of the LSCA. The Royal Priors Shopping Centre has a modern appearance compared with buildings at Satchwell Court. Nonetheless, the character of Satchwell Court retains a strong visual association with the character and appearance of the LSCA.
13. During my site visit, I saw that the proposed works have already been undertaken. I also viewed the shop frontages along Regent Street highlighted by the appellant in support of the appeal. However, unlike the proposal, the paintwork at properties along Regent Street tend to follow the detailing of the recipient shop frontage, and thus give a more muted and harmonious appearance. In contrast, the branded striped paintwork at the appeal site cuts across the pilasters horizontally and consequently fails to respect the detailing of the host building.
14. Despite the pilasters representing a small proportion of the frontage, their central location and the incongruous striped painted design give the proposal a

---

<sup>1</sup> Refusing just this particular element of the scheme as applied for. The Council may have acknowledged that the external redecoration did not require planning permission but this does not neutralise the need for any further consents under other regulations.

<sup>2</sup> At Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

visually dominant appearance. As a consequence, when viewed from Satchwell Court, the painted pilasters look discordant in the context of the simple and more traditional appearance of surrounding shop frontages. The proposal is also prominent when viewed from the adjoining section of Regent Street. Furthermore, whilst each case is dealt with on its own merits, I agree with the Council that allowing this appeal could set an unwanted and harmful precedent in the LSCA.

15. Therefore I conclude that the advertisement has a harmful impact on the visual amenity of the area and would neither preserve nor enhance the character or appearance of the LSCA as a whole.
16. I have taken into account saved policies DP1 and DAP8 of the Local Plan which combined broadly seek to protect visual amenity and preserve the special architectural and historic interests of the conservation area, and so are material in this case. Given that I have concluded that the proposal would harm visual amenity and the LSCA, the proposal conflicts with these policies.

### **Conclusion**

17. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*B Bowker*

INSPECTOR