
Appeal Decision

Site visit made on 5 July 2017

by Cullum J A Parker BA (Hons) MA MRTPI IHBC

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

Decision date: 14th July 2017

Appeal Ref: APP/E2205/Z/17/3171803

Lidl, 41-51 New Street, Ashford, TN24 8TN

- 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 Lidl UK against the decision of Ashford Borough Council.
 - The application Ref 16/01799/AS, dated 8 December 2016, was refused by notice dated 24 January 2017.
 - The advertisement proposed is internally illuminated freestanding totem sign.
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Decision

1. The appeal is allowed and express consent is granted for the erection of an internally illuminated freestanding totem sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main Issue

2. The main issue is the effect of the proposed advertisement on visual amenity of the area and the street scene.

Reasons

3. The *National Planning Policy Framework* (the Framework), at Paragraph 67, provides that advertisements should be subject to control only in the interests of amenity and public safety. The Council raises no specific issue in terms of public safety, and I note that no objection has been raised by the local highway authority in terms of highway safety. I see no reason to disagree on these points and have therefore focused on the interests of amenity aspect. Furthermore, the Council has drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration.
 4. The proposed advertisement would be located along New Street and adjacent to the established supermarket building and its car park. More generally, the appeal site is located within an area characterised by a fairly commercial nature, with a main junction located a short distance to the east and the edge of the town's commercial centre beyond. Any signage within this context is fairly restrained: being limited to mainly attached to buildings where present.
 5. The proposed sign would be about 5.9 metres in height with a width of about 2.1 metres. I understand that an earlier proposed scheme which was withdrawn, sought a sign with a height of roughly 7.5 metres, with the current scheme seeking to address concerns over the earlier scheme.
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6. The Council is concerned that the dimensions of the appeal scheme together with its illumination and that it is 'not of a good quality design' mean that it would have a harmful impact on the visual amenity of the area. However, the sign and its design are not dissimilar to many others found outside supermarkets and/or larger stores.
7. The Council also considers that the proposed sign would result in an over-proliferation of signage given the existing signs on the building. However, there are no obvious signs giving details of opening hours or services offered at the store unless standing at the entrance to the shop. Whilst it is correct to manage the level of signage so that it does not proliferate within an area, the single sign proposed in this case would not tip the balance to a situation where there would be an unacceptable over-proliferation. In such circumstances, I do not find that the proposal would result in material harm to the visual amenity of the area.
8. As a result, I do not find that the proposed advertisement would be an unacceptable addition to the wider street scene in terms of its general appearance, illumination, height, design or scale. I have taken into account policy CS1 and CS9 of the Core Strategy 2008 and emerging policies SP1 and SP6 of the draft Ashford Borough Local Plan which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity; the proposal does not conflict with these policies.
9. I have considered the Council's suggested condition in terms of the sign not being illuminated except during the hours that the premises are open to the public. However, I have not been provided with the specific times these might refer to. In the absence of such details from the Council, I consider that it would be unreasonable and onerous in this instance to impose such a condition.
10. I therefore conclude, for the reasons given above, that the display of the advertisements is not detrimental to the interests of visual amenity and therefore the appeal should be allowed.

Cullum J A Parker

INSPECTOR