
Appeal Decision

Site visit made on 27 June 2017

by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/R0660/Z/16/3167724

92a King Street, Knutsford, Cheshire WA16 6ED

- 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 Miss Roberta Bradley against the decision of Cheshire East Council.
 - The application Ref: 16/2980M, dated 15 June 2016, was refused by notice dated 27 October 2016.
 - The advertisement proposed is described as "a hand painted wooden with logo and other details. The width is 120cm and the depth is 55cm".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the appeal form indicates that the submission date was 23 October 2015, the originating application states it was submitted on 15 June 2017 and this date is in the banner heading above. The earlier date relates to a previous application which is not before me.
3. The type of advertisement proposed is stated to be 120cm (wide) x 55cm (deep)¹. However, the application form also indicates that the proposed fascia sign would be 0.4m (high) x 1.2m (wide)². The appellant refers to the shorter height dimension in her grounds of appeal and the submitted drawings also indicate this. The originating application was determined on this basis. I will therefore determine the appeal on the basis that the proposed advertisement would be 0.40m (high) x 1.2m (wide).
4. The appeal premises forms part of a Grade II Listed Building, which is located within the Knutsford Town Centre Conservation Area (CA). The reason for refusal refers to the proposed signage as being unsuitable for a Grade II Listed Building. However, the statutory duty under section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA90) requiring decision makers to have special regard to preserving the listed building or its setting or any features of special architectural or historic interest only applies to the consideration of whether to grant planning permission. The fact the appeal building is listed is a relevant material consideration.

¹ Section 7 of the planning application form.

² Section 11a of the planning application form

5. Section 72(1) of the PLBCAA90 requires special attention is to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies in the advertisement appeal in so far it relates to the consideration of amenity.
6. I am required by the Regulations³ to determine the appeal in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors. Paragraph 67 of the *National Planning Policy Framework* (the Framework) also advises that advertisements should only be subject to control in the interests of amenity and public safety. The Council has not objected to the proposal in terms of public safety and I have no reason to disagree. The issue before me relates to visual amenity. Regulation 3(2) states that the factors relevant to amenity include the general characteristics of the locality including the presence of any features of historic architectural, cultural or similar interest and further advice is provided in the Framework at paragraph 67 and the *Planning Practice Guidance* (PPG) to which I have regard.

Main Issue

7. Therefore, the main issue in this case is the effect of the proposed advertisement on the amenity of the area.

Reasons

8. No. 92a King Street is located in the commercial area of the historic town of Knutsford. It is the first floor of a 2-storey, brick built, terraced property positioned at the back edge of a narrow footway. The building has a bow window to the ground floor and a 12-pane vertically sliding sash at first floor level on the King Street frontage. This terraced shop with commercial premises at first floor level is characteristic of Knutsford, which is typified by a strong character of small Georgian buildings which incorporate retail and commercial uses. Overall these historic buildings retain both their architectural detail and historic integrity. Thus the appeal building forms an integral part of the historic townscape of Knutsford as well as being an important building in terms of its architectural and historic interest.
9. The appeal proposal relates to a non-illuminated wooden hand-painted sign with a white background and dark grey lettering. It would be fixed flat onto the brickwork to the front of the building above the shop window and below the first floor window.
10. The space between the top of the ground floor shop window and the base of the cill of the first floor window is relatively small. Although the sign would be traditional in terms of its material and finish and would be non-illuminated, it would not be of a size and scale appropriate to the building on which it would be placed as it would appear cramped. The relationship of the relatively large size of the sign when compared to the small area brickwork between the ground and upper floor windows would make it visually awkward. Moreover, it would create a cluttered frontage to a building that already has signage.
11. The appellant refers to discussions with the Council regarding a smaller sign being acceptable. In December 2015 a larger sign was refused consent and a revised scheme with a smaller sign was submitted on the advice of a Council

³ The Town and Country Planning (Control of Advertisements)(England) Regulations 1997

officer. This smaller sign was again refused consent and is the appeal before me. While the appeal sign is smaller than the earlier one it would be too large for the space between the existing ground floor and first floor windows. I note that the appellant refers to alternative signage, including hanging signs and advertisements painted directly onto the building, as suggested by the Council. However, as these are not before me, I am not able to comment.

12. I also note that there are other signs in the locality but many of these are significantly different to that proposed in that they are not the same in terms of size, scale and detail as are the buildings onto which they are fixed. Some are on another part of King Street away from the appeal premises. These signs can therefore be differentiated on their own particular circumstances from the appeal proposal. I am required to determine each appeal on its own merits and I have done so in this case. I consider that the appeal proposal is harmful for its own specific reasons.
13. I acknowledge that the appellant states that she needs signage to help customers locate and find the premises. However, as mentioned in paragraph 5 above, advertisements are only subject to control in the interests of amenity and public safety.
14. I also acknowledge the dissatisfaction in the way the Council has handled the case in terms of lack of communication. This is also something on which I am unable to comment.
15. Thus, I consider that the proposed advertisement would appear cramped between the ground floor and first floor windows and as such it would be discordant and obtrusive.

Conclusions

16. Therefore, I conclude that the proposed advertisement would detrimentally affect the character and appearance of the building and the street scene and as such it would harm the visual amenity of the locality. Also it would not preserve or enhance the character or appearance of the CA or preserve the special architectural or historic interest of this listed building.
17. I have been referred to several policies in the development plan. Saved Policies BE15 (Repair or Enhancement of Buildings of Architectural and Historic Importance) and BE18 (Listed Building Consent) of the *Macclesfield Borough Local Plan 2004* (LP) have been referred to, but these policies relate to planning and listed building applications and as such are not before me. However, I have taken into account saved LP Policies BE3 (Conservation Areas), DC51 and DC53 (Both policies relate to Advertisements), all of which seek to protect visual amenity, amongst other things, and on that specific basis are material to this case. These policies accord with the Framework and, as such, I accord them considerable weight. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies and also with the Framework and the PPG.
18. For the reasons given above, the appeal is dismissed.

Mrs A L Fairclough

INSPECTOR