
Appeal Decision

Site visit made on 23 August 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 30th August 2017

Appeal Ref: APP/L3815/Z/17/3166878

Ground Floor 42 South Street, Chichester PO19 1DR

- 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 Orthan Kopar against the decision of Chichester District Council.
 - The application Ref CC/16/03216/ADV, submitted to the Council on 26 October 2016, was refused by notice dated 12 December 2016.
 - The advertisements are described on the application as 'one fascia sign attached to the front elevation, two vinyl signs on the windows, one hanging sign'.
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Decision

1. That part of the appeal that relates to one fascia sign to the front elevation and two vinyl signs on the windows, is dismissed. That part of the appeal which relates to one hanging sign is allowed and express consent is granted for its display. 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.

Procedural Matters

2. It is not completely clear from the submitted plan for the fascia sign as to whether the details relate to the sign currently in place at the time of my site visit. However, for the avoidance of doubt I have assumed that to be the case and determined that element of the appeal accordingly.

Main Issue

3. The main issue is the effect of the signs on the character and appearance of the area with regard to visual amenity.

Reasons

4. The appeal site comprises the ground floor of a three storey property located on the eastern side of South Street. The ground floor is in use as a restaurant, whilst the upper floors are used for commercial purposes. The signs which are the subject of this appeal were already in place at the time of my site visit. The surrounding area is commercial in character and also forms part of the Conservation Area.
5. The appellant argues that the signs are not dissimilar from those on other businesses nearby and that there are examples of bright or garish colours in that regard. My attention was drawn to several examples in that respect and at

my site visit I took the opportunity to view those as well as signage generally in the vicinity.

6. Given the function of the appeal site as a commercial premises in a commercial area, there is clearly scope and indeed a necessity for some form of advertising on the premises. However, the key issue is the impact of those signs on amenity interests which is the only issue under consideration for this appeal under the powers of the Advertisement Regulations. Those interests carry greater weight given the site's inclusion as part of the wider Conservation Area, where the statutory duty is to preserve or enhance the character or appearance of that area. Additionally I note that the site is located in close proximity to several listed buildings, including to either side, where there is also a statutory duty to have special regard to preserving such buildings or their setting.
7. In the context of the above, and taking the signs in turn on their merits, my findings are as follows:
8. The fascia sign is limited in extent being well proportioned in relation to the ground floor shop window and tucked neatly under the first floor brick projection immediately above. However, its shiny finish and appearance is at odds with other fascia signs in the area which in the main tend to have matt finishes and individually applied letters to fascias or hand painted signs. I acknowledge that there are exceptions to those, some of which have been pointed out by the appellant, but they are not reflective of the overall character or appearance of signs in the area. Similarly, the roundel signs on the shop windows appear over large and dominating, compared to the size of the window display and give rise to a cluttered appearance of signage on the frontage. This is accentuated by the number of street furniture signs immediately in front of the premises.
9. The projecting hanging sign on the other hand, is relatively small in size compared to the frontage of the building, pleasantly designed with a matt finish and not dissimilar from the adjoining hanging sign on No 44 South Street, the adjacent property to the north, nor indeed to many other similar such signs on commercial properties nearby. Given the commercial use of the ground floor some form of projecting sign does not seem unreasonable and I do not consider that it adds to clutter of signage as the Council suggests, particularly as there is a road to either side of the building and therefore a break in the frontage.
10. With the exception of the projecting sign therefore, and considering the other signage on their individual merits, I find that there is harm to the street scene, the setting of the Conservation Area and also the setting of nearby listed buildings from an amenity point of view. Whilst there is also isolated harm from signage on other nearby buildings, as indicated above they do not reflect the general character of signage in the area. Similarly, although some building facades have been painted, which in any event raises different issues from advertising material, they also tend to be the exception to the general character of buildings within the area.
11. I note the Council's approach towards signage in its Development Plan policies, and guidance documents, and although they have not been decisive in my findings, given the scope of the Advertisement Regulations to control signage only in respect of amenity and public safety, I have had regard to them as material considerations and note the signage would be contrary to their objectives.

- 12.I am also mindful of paragraph 67 of the National Planning Framework which acknowledges that poorly placed advertisements can have a negative impact upon the appearance of the built environment. For the reasons above, I consider that is the case in respect of the fascia and window signs.
- 13.I acknowledge that the business is family run and needs a commercial presence. However, the issue is not that a reasonable level of signage should not be allowed, but the manner in which the current signage has been displayed. There may be other ways therefore to achieve an acceptable degree of signage without the harm identified above.
- 14.For the above reasons, the fascia and window signs are detrimental to amenity and therefore the appeal is dismissed in relation to those signs. However the projecting sign does not raise the same issues and is acceptable on amenity grounds. The appeal is therefore allowed in relation to that sign.

Kim Bennett

Inspector