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# Appeal Decision

Site visit made on 29 November 2017

**by S J Lee BA(Hons) MA MRTPI**

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

**Decision date: 13<sup>th</sup> December 2017**

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**Appeal Ref: APP/B3030/Z/17/3181885**

**1 Retail Unit, In 'N' Out Autocentre, Northern Road, Newark on Trent NG24 1NU**

- 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 Luke Merryweather of In N Out Services Ltd against the decision of Newark & Sherwood District Council.
  - The application Ref 17/00415/ADV, dated 24 February 2017, was refused by notice dated 14 June 2017.
  - The advertisement proposed is a large totem sign.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. For the avoidance of doubt, the description of the proposal has been taken from the Council's decision notice.

## Main Issue

3. The main issue in this case is the effect of the development on the visual amenity of the area, including the setting of the Grade II listed Beacon Hill Tollhouse.

## Reasons

4. The proposed totem sign would take up a prominent back of pavement position on Beacon Hill Road and would sit above the commercial units located below the level of the road. Other than banners attached to railings and agent's boards, the status of which I do not know, I observed no other signs of this type or prominence on this side of Beacon Hill Road. The only other totem signs in the immediate vicinity are for the public house opposite, which is set down from the roadside, and a sign for Topps Tiles, which is a non-illuminated totem sign located on Northern Road itself.
5. While the area to the north of Beacon Hill Road is predominantly commercial in nature, the significant difference in levels creates a distinct visual break between the commercial units and the roadside. The proposed sign would be a large and bulky feature that would not relate well to the retail units or other similar signage either in terms of physical proximity or as a result of its significant size, prominence and striking appearance. These factors would

combine with the illuminated digital display to create a large, somewhat isolated, incongruous and discordant feature on the roadside.

6. Beacon Hill Tollhouse is a Grade II listed building that is located around 70 metres to the west of the appeal site. This is an important feature of the area's character. The National Planning Policy Framework (the Framework) states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance. The Tollhouse is visible for some distance to the east and west along Beacon Hill Road and thus I consider the sign would fall within this building's setting.
7. The nearby retail units are set below Beacon Hill Road and while from certain vantage points they can be seen in context with the listed building, they appear separate and distinct to it. The Tollhouse sits on top of the embankment and thus takes up a more prominent position. As referred to in the appellant's Heritage Impact Assessment (HIA) even with the more recent development in its vicinity, its elevated position above the commercial uses and the width of Beacon Hill Road ensure that it remains relatively visually isolated.
8. While the sign would be some 70 metres from the listed building, when approaching from the east both features would be viewed together for some distance along Beacon Hill Road. The sign would be a prominent feature that would fail to complement the character of the listed building. From this vantage point, the sign would intrude on views of the building and detract from its setting. I therefore do not agree with the appellant's assertion that the listed building would retain its currently isolated appearance from all locations.
9. I recognise the sign would be largely screened by the listed building itself when approaching from the west and would not be prominent in views from the south. However, this does not alter my concern that some medium distance views of the listed building would be disrupted by what would be a large and incongruous addition to the street scene. The development would therefore be harmful to both the general visual amenity of the area and to the setting of the Grade II listed building.
10. The appellant's HIA itself concludes that the sign would cause less than significant harm to the setting of the listed building. I saw nothing that would lead me to a different conclusion. However, this still constitutes harm to the significance of the Tollhouse, as derived from its setting. There are no factors that would persuade me that this harm is justified in this case.
11. Taking all matters into account, I therefore find that the sign would cause unacceptable harm to the visual amenity of the area. I have taken into account Core Policy 14 of the Core Strategy (CS)(2011), policies DM5 and DM9 of the Allocations and Development Management Development Plan Document (ADM)(2013) which seek, amongst other things, to ensure advertisements do not have an unacceptable impact on visual amenity and that the setting of heritage assets are not harmed. I am satisfied these policies are material to this appeal. Given I have concluded that the proposal would harm visual amenity, there would be conflict with these policies. There would also be conflict with paragraph 67 of the Framework, which highlights the negative effects of poorly placed advertisements.

12. The Council's decision notice refers to conflict with Design Principle 12 of the Shopfronts and Advertisements Design Guide (2014). This principle appears to relate primarily to advertisements located on shop fronts and thus would not be relevant to this case.

### **Other Matters**

13. The appellant has also drawn my attention to other signage in the area, including the aforementioned sign for Topps Tiles which sits on Northern Road near to the access to the retail park. This is in a less prominent position than the appeal proposal and does not have the same visual relationship with the listed building, particularly in the most sensitive and longer distance views of the building from the east. Moreover, it is in a generally more discrete location off the main road and is more closely related to the retail park. This sign does not therefore provide any justification for the proposal. I do not have full details of the other signs mentioned before me and thus cannot conclude with any certainty that they all have the same effect on visual amenity as would the proposed sign.
14. The appellant has drawn my attention to an appeal decision which he considers relevant. However, I have not been provided with the full details of this case and thus cannot confirm with any certainty that they are directly comparable. In any event, I have considered the appeal on its own merits based on the evidence before me and my own observations of the area.

### **Conclusion**

15. For the reasons given above I conclude that the display of the large totem sign would be detrimental to the interests of amenity and the appeal is dismissed.

*S J Lee*

INSPECTOR