
Appeal Decision

Site visit made on 9 January 2018

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2018

Appeal Ref: APP/C1055/Z/17/3179899

38 Corn Market, Derby, Derbyshire DE1 2DG

- 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 Ms Sara Dinsdale of Derbyshire Community Bank against the decision of Derby City Council.
 - The application Ref DER/02/17/00202, dated 3 April 2017, was refused by notice dated 19 May 2017.
 - The advertisement proposed was originally described as '*company name + branded signage to front of property*'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal concerns internally illuminated fascia and projecting signs, an opening hours sign and window vinyls to the main and side windows of the appeal property. 38 Corn Market is a Grade II listed building and the advertisements require listed building consent. My consideration however is limited to the appeal before me, which relates only to advertisement consent. The advertisements are already in place and I have dealt with the appeal accordingly.

Main Issue

3. The main issue is the effect of the advertisements on visual amenity, having regard to the building's listed status and conservation area location.

Reasons

4. 37 and 38 Cornmarket date from the mid C18. The building is constructed of red brick and has two modern shop fronts on the ground floor, separated by a coach arch, with two storeys above. The centre of the building breaks forward with a pediment, Venetian and semi-circular windows. The architectural detailing and position of the building at the junction with St James Street give the building considerable presence. The appeal site is also situated within the Derby City Centre Conservation Area, which has a predominantly commercial character.
5. Although it is said that the advertisements replace previous ones on a similar basis, I note from the submitted photograph that the previous signage was of a

simpler form. I have no details as to whether the former signage was the subject of listed building or advertisement consent.

6. The internally illuminated box fascia sign projects slightly out from and occupies the full width and depth of the fascia of the shop front. Whilst I have had regard to the appellants comments concerning external illumination, the depth of the sign tray is such that the sign fails to respect the proportions of the shop front and detracts from the architectural detailing of the building. The internally illuminated projecting sign is of modest proportions, but its position on the building is such that it also detracts from the architectural detailing of the building. In addition, the fascia and projecting signs are formed of modern materials which do not reflect the more traditional fabric of the building.
7. I have considered that the signage is in line with the bank's branding and whilst I note the appellants comment about the subjectivity concerning the colours of the adverts, the extent of purple used does add to the prominence of the signs. I have also taken into account the examples of signage in the area identified by the appellant and during my site visit I saw the range of advertisements on buildings on Corn Market and St James Street. However, whilst there is variety in the type, appearance, illumination and colours of signage, I do not know whether the signs have been the subject of advertisement or listed building consent. I also take into account that the bank sought to set up its new offices in the area because of the intention to improve the quality of the area and that it has invested in the property. The appellant's comment concerning the Councils dealing with applications for signage in the area is a matter for local government accountability.
8. Taken with the window vinyls and opening hours sign, the fascia and projecting signs, the advertisements overall fail to preserve the listed building or to preserve the appearance of the conservation area. Consequently, they are harmful to visual amenity.

Conclusions

9. The Council has drawn my attention to the policies they consider to be relevant to the appeal and I have taken them into account as a material consideration. However, the Regulations require that decisions are made only in the interests of amenity and public safety taking account of any material factors. Consequently, in my determination of this appeal, the Council's policies have not by themselves been decisive. Nevertheless, I find conflict with City of Derby Local Plan Review saved Policies E18 which is concerned with conservation areas; E19 with listed buildings; and E26 with advertisements. In addition, I find conflict with Policy CP20 of the Derby City Local Plan Core Strategy which is concerned with the historic environment.
10. With respect to the Advertisement Regulations, the listed status of the appeal building and Conservation Area location, together with the provisions of the development plan, are relevant material considerations. Having regard to all the relevant factors set out above, I conclude that the advertisements are harmful to visual amenity. Therefore, for the reasons given above, and having regard to all other matters raised, I hereby dismiss the appeal.

Philip Lewis

INSPECTOR