



Appeal Decision

Site visit made on 5 February 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/D1835/Z/17/3186753

Unit A3-3 Cathedral Plaza, Worcester WR1 2LU

- 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 Mitchells & Butlers against the decision of Worcester City Council.
 - The application Ref A17D0042, dated 22 June 2017, was refused by notice dated 17 August 2017.
 - The advertisement proposed is new signage in-keeping with the Mitchells & Butlers branding, Miller & Carter.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site visit, two suspended fascia signs existed on site. I have based my decision on what I saw on site, together with the submitted plans and details.

Main Issue

3. It is not disputed that the sign would not have a material adverse effect on public safety. Therefore, the main issue in this appeal is the effect of the proposed advertisements on the visual amenity of the area, including whether they would preserve or enhance the character or appearance of the Historic City Conservation Area.

Reasons

4. Paragraph 67 of the National Planning Policy Framework (the Framework) confirms that the issues of amenity and where applicable, public safety, are the determining factors in advertisement appeals. The Regulations state that development plan policies alone cannot be decisive when determining cases such as this one. However, I have had regard to the Council's policies alongside the advice and guidance of the Framework as material considerations in reaching my decision.
5. The appeal site comprises a commercial unit at the first floor level of a shopping centre. The unit occupies a corner position, overlooking the High Street and a plaza. The wider setting to the appeal site is largely commercial in character, commercial units occupy the ground and first floor level of the

shopping centre and the High Street. The appeal site is within the Historic City Conservation Area (HCCA) which comprises a large number of listed buildings and buildings of varying architecture, to include 21st Century buildings such as the appeal site and Worcester Cathedral, a grade I listed building. Together they contribute to the pleasant and high quality character of the area. The central position of the appeal site within the conservation area and its prominence means that it is highly visible within local views and contributes positively to the character and appearance of the conservation area overall.

6. Three signs are proposed, two suspended fascia signs that would be hung to the front of the shopfront and one fascia sign, attached to a window. Only the latter would be illuminated.
7. The two suspended fascia signs would be appreciated in the foreground of two illuminated signs that exist on the windows of the commercial unit. Paragraph 67 of the Framework requires the cumulative impact of advertisements to be taken into account. Whilst the modest scale and muted colours of the fascia signs proposed would be subservient to the form and overall appearance of the shopping centre, they would create visual clutter alongside the signs that exist. This clutter would be exacerbated when the existing fascia signs are illuminated. The clutter would detract from the simple and orderly appearance of the shopping centre and, in turn, would be unduly prominent in the context of surrounding buildings, particularly when signage at first floor level is not prevalent.
8. The fascia sign attached to the window would be equally prominent given its illumination and its disconnection from and awkward juxtaposition to the hanging fascia signs proposed and the commercial unit itself. I recognise that consent has been given for an illuminated sign at a similar height on the elevation that fronts the High Street. However, the elevation that fronts the High Street differs architecturally to the elevation that overlooks the plaza and is appreciated in a different context. Consequently reasonable comparisons cannot be made between the two for a reliable assessment of precedent to be made.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of 'preserving or enhancing the character or appearance' of a conservation area. The undue prominence of the signs proposed and the visual clutter identified would detract from local views which, in turn, would be harmful to the character and appearance of the conservation area.
10. I recognise that the site is within a commercial area where other advertisements are visible and I acknowledge the need for the business at the appeal site to have a street presence. However, paragraph 67 of the Framework requires advertisements to be appropriate within their surroundings. I have found that the signs proposed would be harmful to visual amenity for the reasons given.
11. The appellant draws comparisons with signs approved and in situ at the Cosy Club. However, it is evident from my observations on site and from the evidence before me that only one hanging sign is permitted at the Cosy Club. This does not compare with the appeal proposal which includes hanging signs as well as existing fascia signs. Similarly, I have no decision before me for the signs proposed at Kungfu for me to consider allowing the appeal.

12. The excerpts from the original drawings of the shopping centre before me show that signs were intended within the bays at first floor level, but there is no evidence to suggest that this would be as well as fascia signs on the premises. Equally the excerpts suggest a sign on the window at a higher level than proposed. As a result I do not concur with the appellant that the signs proposed reflect what was proposed on the original plans for the shopping centre.
13. The Council has referred to policy SWDP21 of the Local Plan which requires advertisements to not have an adverse effect on the amenity of the local area. Given that I have concluded that the proposal would be harmful to visual amenity, the proposal would conflict with this policy.

Conclusion

14. For the reasons given above, I conclude that the proposed advertisements would be detrimental to the interests of visual amenity and would not preserve or enhance the character or appearance of the Historic City Conservation Area. The appeal is, therefore, dismissed.

R Walmsley

INSPECTOR