



Appeal Decision

Site visit made on 16 October 2018

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 15th November 2018

Appeal Ref: APP/D1835/Z/18/3207636

Fitness 4 Less, Cathedral Square, 3 High Street, Worcester WR1 2QE

- 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 Stuart Rosenberg of Fitness 4 Less against the decision of Worcester City Council.
 - The application Ref A18D0002, dated 23 January 2018, was refused by notice dated 30 May 2018.
 - The advertisement proposed is to display of a set of individual illuminated letters to read: 'Fitness4Less' with logo on existing stone plinth above premises.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form indicates that the advertisement would not be illuminated. However, it is clear from the submitted drawings and the detail contained within the appeal form that it would be illuminated. The description of the advertisement has therefore been taken from the appeal form as it more accurately reflects the proposal than that contained in the application form. It is on this basis that the Council determined the application, and I have considered the appeal proposal accordingly.
3. The site address above has been taken from the application form. It differs to that contained within the appeal form and the Council's decision notice, however, I am satisfied that it suitably identifies the location of the appeal site.
4. During the course of the appeal the appellant drew my attention to an application that was granted advertisement consent by the Council at Miller and Carter Steakhouse which is located within Cathedral Square, close to the appeal site. The Council was given the opportunity to comment on this matter and I have taken the comments received into account in my consideration of this appeal.

Main Issue

5. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

6. The Council has drawn my attention to the policies and guidelines it considers to be relevant to this appeal and I have taken them into account as a material

consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

7. The appeal site is located within the commercial centre of the city within the Historic City Conservation Area. I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
8. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that 'in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features'.
9. The shopping centre where the sign would be located is a relatively recent development. It comprises a range of uses, including retail and restaurants. Advertisements within the area, other than the one that relates to the shopping centre itself are largely closely related to the shopfronts and entrances to which they relate. The signage is largely orderly and uncluttered, and set back from the front façade of the building.
10. The proposed sign would comprise individual, internally illuminated letters and the company's logo set directly onto the stone plinth above the entrance of the building. It would be at a higher level than nearby ground floor premises and being applied to the facade of the building would be more prominent. It would result in an incongruous form of advertisement in this attractive city centre location, visible from the pedestrianised plaza, from the Cathedral on the opposite side of the road and from the road and pavements within the vicinity of the site, including the High Street. The illumination proposed would increase the sign's prominence, particularly during hours of darkness which adds to my concern. Harm to the visual amenity of the area would therefore result. The proposal would not preserve or enhance the character or appearance of the conservation area.
11. I acknowledge that the corner location of the appeal site reduces its presence in the street scene and that at certain times, and from certain viewpoints that the existing entrance sign is partially obscured. It is submitted that such matters pose a threat to the business, but I have not been provided with evidence to substantiate this matter and this therefore limits the weight that I can afford this point.
12. The appellant has drawn my attention to other signage in the area, including a recently approved hanging sign at Miller and Carter which is located on the first floor of the Cathedral Square building. This sign whilst at a higher level than

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

the appeal proposal would relate closely to the premises that it is intended to serve. It would not be at a higher level than the premises it serves, and it would be located below the building's overhang such that it would not be unduly prominent. For the reasons given, this would not be the case with the appeal proposal. Moreover this sign would not be illuminated and it is not therefore a direct comparison to the proposal before me.

13. The Framework² recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. The matters advanced by the appellant and the examples referred to of signage nearby, including on similar fitness premises, do not outweigh the harm that I found to result from the proposed sign and do not justify poorly sited and designed advertisements.
14. I therefore conclude that the proposed signs would be harmful to the visual amenity of the area. As a consequence the proposal conflicts with Policy SWDP 21 of the South Worcestershire Development Plan which states that illuminated signage will only be permitted where it is not considered to be harmful to the character and appearance of the site or surroundings.

Conclusion

15. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

² At Paragraph 132