
Appeal Decision

Site visit made on 11 March 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2019

Appeal Ref: APP/M0933/Z/18/3212323

former Kendal Rugby Union Football Club, Shap Road, Kendal, LA9 6DL

- 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 Sainsbury's Supermarkets Ltd against the decision of South Lakeland District Council.
 - The Council issued a split decision in respect of the application Ref SL/2018/0511, dated 12 June 2018. The advertisement subject of the appeal was refused by notice dated 3 September 2018.
 - The advertisement proposed is 1 no. internally illuminated Sainsbury's totem sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. internally illuminated Sainsbury's totem sign as applied for. 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 and the following additional condition:
 - 1) The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Procedural Matters

2. The Council issued a split decision in respect of the application for advertisement consent and refused consent for the totem sign subject of this appeal. The totem sign has been erected and I have considered this appeal on the basis of the submitted plans and what I observed on site.
3. I have taken the description of the proposed advertisement from the Council's decision notice in the interests of clarity.

Main Issue

4. The main issue is the effect of the sign on the visual amenity of the area.

Reasons

5. The totem sign has been erected on land at the entrance to the supermarket and petrol filling station, adjacent to the A6. Development along the A6 consists of both commercial and residential development, and the Council acknowledges that there are non-illuminated totem signs located in areas to the north and south of the appeal site but considers that these are less prominent.

6. The sign is in a prominent position and is visible within the street scene and in reasonably distant views. However, the entrance to the supermarket has a distinctly urban appearance with metal railings, traffic lights and road markings apparent. The sign, seen in this context with the petrol filling station and supermarket behind does not look out of place or over large given the scale of development with which it is associated. Furthermore, given its physical separation from other signs it does not result in visual clutter.
7. The Council is also concerned that the sign is visually intrusive to the occupants of the dwelling at 59 Shap Road, to the south of the site. At my site visit I observed that there are two windows in the side elevation of no.59 which face the sign. It seems to me that views from the ground floor window are limited by their boundary fence and existing vegetation on the lane to the side of the house. It will be possible to view the sign from the first-floor bedroom window however, given the separation distance, I consider that the sign would not result in materially harmful visual intrusion when viewed from this house.
8. The illumination is restrained and is acceptable particularly given the number of street lights present in the immediately surrounding area, and that the level of luminance is below the maximum acceptable limit recommended by the County Council. The appellants have also agreed to a condition which restricts the illumination to reflect the opening hours of the premises.
9. Overall, the sign does not strike me as being excessive and does not appear out of place in relation to the supermarket or its surroundings. Accordingly, I am satisfied that there is not any unacceptable cumulative effect or any significant harm to the visual amenity of the area.
10. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material and find that the sign accords with the overall design aims of Policy S20 of the South Lakeland Local Plan 2006 & Alterations: Final Composite Plan (the Local Plan). The Council referred to Policy S21 of the Local Plan in the decision notice however, this relates to Areas of Special Control of Advertisements, which the appeal site is not within.

Conclusion

11. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

Felicity Thompson

INSPECTOR