



Appeal Decision

Site visit made on 13 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/B1740/Z/19/3226484

Ross Nicholas Estate Agents, 9-11 Old Milton Road, New Milton BH25 6DQ

- 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 Ross Nicholas and Company against the decision of New Forest District Council
 - The application Ref. 19/10139, dated 30 January 2019, was refused by notice dated 3 April 2019.
 - The advertisement proposed is the display of 1 internally illuminated wall mounted logo sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated wall-mounted logo 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 conditions:
 - 1) The intensity of the illumination of the logo sign permitted by this consent shall be no greater than 150 candela;
 - 2) The logo sign hereby given consent shall not be illuminated between the hours of 2200 and 0800.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the street scene of Old Milton Road.

Reasons

3. In my appraisal of the proposal I have noted the evolution of the scheme through the previous refusal, dismissed appeal and the consent with conditions reference 19/10478 dated 12 June 2019.
4. The only difference between the recently approved scheme and the appeal proposal is that the gable wall to which the logo sign is affixed is shown as painted white in the approved scheme. In addition to the five standard conditions, the Council has imposed four other conditions. These include condition no. 8 requiring the gable end to be painted white and thereafter retained white.
5. In the scheme currently before me in this appeal the submitted Drawings show the internally illuminated wall mounted logo sign on a black painted wall. However, in an email from the appellant to the Planning Inspectorate dated

14 June 2019, an offer to accept a condition that the wall is painted white is withdrawn. The applicant has requested that the appeal is determined with the painted black wall retained, albeit it is also acknowledged this does not require permission and is technically not part of the application for advertisement consent. The issue of visual amenity is therefore now effectively whether consent should be granted without the imposition of condition no. 8 imposed on 19/10478.

6. However, dealing with the application before me as a whole, I consider that the much reduced size of the logo to be proportionate to the gable and in keeping with other signage in the immediate locality. As regards the painted wall, the Council considers that the use of the black background stands out as a harsh feature, with all other premises in the vicinity being either facing brickwork or white render. And that the black gable end is in (harmful) contrast to the white frontage of the building. I have noted that the New Milton Town Council has a similar opinion.
7. However, I disagree with this view. Some elements of the street scene are rather bland and the contrast between the black coloured gable and the white painted frontage works particularly well in terms of the aesthetics of the building. The addition of variety to the street scene is in my assessment pleasing rather than drawing the eye as a harmful change from the all-white building. The illustration of the black wall on submitted Drawing No. 2898 – 3 Rev. A appears stark and initially gives rise to some doubt, but having seen the building already painted black on my visit I wholly endorse the appellant's preference.
8. There is also a practical point. Flank gables that are painted render tend to be less well-maintained than shopfronts. And where they adjoin accesses, in this case to the rear car park, there is more likelihood of them suffering scuff marks, mud and water splashes from vehicles, general wear and tear and even graffiti. White is a colour that is more susceptible to this noticeable incremental degradation and I consider that black is more likely to appear in good condition for a longer period.
9. For these reasons I do not consider the Council's condition no. 8 imposed on 19/10478 to be necessary or reasonable and with the modified logo now acceptable to the Council I see no reason to withhold consent.
10. In reaching my decision, I have had regard to the objectives of Policy CS2 of the Core Strategy for the New Forest Outside the National Park 2009; the guidance in the Council's Shopfront Design Guide 2001, and the provisions of paragraph 132 of the National Planning Policy Framework 2019.
11. For the reasons explained above, the appeal is allowed and consent granted. In addition to the five standard conditions I shall impose a condition limiting the intensity of the internal illumination in the interests of visual amenity and highway safety. A condition precluding illuminance during the main period of the night will safeguard both visual amenity and the amenities of neighbouring residents.

Martin Andrews

INSPECTOR