
Appeal Decisions

Site visit made on 25 June 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/E2340/W/19/3226518 ('Appeal A')

57 Market Street, Colne BB8 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Petty against the decision of Pendle Borough Council.
 - The application Ref 19/0099/FUL, dated 30 January 2019, was refused by notice dated 8 April 2019.
 - The development proposed is described as "Change of use to hairdressers/barbers. 3 x replacement window-panes and frames, replacement door, replacement signage, fitting of medium-oak wood fascia and trim/surround, fitting of 3 additional security lights and fitting of 2 x LED barber poles. Removal of 2 steel rollershutters".
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Appeal Ref: APP/E2340/H/19/3226720 ('Appeal B')

57 Market Street, Colne BB8 0LL

- 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 Martin Petty against the decision of Pendle Borough Council.
 - The application Ref 18/0888/ADV, dated 14 December 2019, was refused by notice dated 8 April 2019.
 - The advertisement proposed is described as "Barber shop business name/signage with contemporary LED barber poles" and particularised as a fascia sign with intermittent external illumination.
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Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

3. Although the development of Appeal A described in the application form refers to the change of use of the premises, the Council's decision notice deals only with the operational development consisting of the alterations to the shop front, and I have approached the appeal on this basis.
4. The Council's refusal of advertisement consent refers only to the fascia sign on the western elevation of the property. However it appears that the appellant applied to retain the entirety of the signage together with the LED barber poles, and I have considered the signage as a whole in the appeal.

Main Issue

5. The main issue in both appeals concerns the impact of the shop front and the fascia signs on the character and appearance, and hence the amenity, of the area.

Reasons

6. The appeal property is presently in use as a barber shop, named 'Turkish Hair Master'. It lies on Market Street in Colne, at a prominent junction with Dockray Street. The town library lies to the property's north west, with a public square in front of the appeal property to the west, and to the south lies the Hartley Square retail development, again with a public square in front of it.
7. The alterations that have been carried out consist principally of the installation of timber cladding and moulded timbers to the ground floor façade of the property. Above the windows and door are fascia signs, consisting of a black background and mostly red and white lettering. Two LED barber poles protrude from above the doorway, which is at the corner between the southern and western elevations of the property. The timber cladding has the appearance of horizontally mounted landscape decking material, stained a rather bright orange-brown colour.
8. The Local Plan for Pendle Core Strategy 2011 – 2030 was adopted in December 2015, and contains two policies specifically relevant to the shop front alterations. Policy ENV2 requires all new development to viably seek to deliver the highest possible standards of design, in form and sustainability. Policy SUP4 seeks to achieve public realm improvements, by requiring materials that are in keeping with the established character of an area and ensuring that advertisements contribute positively to the public space.
9. I agree with the appellant that the shop fronts in the vicinity of the appeal site are a rather eclectic mix. The Design Principles SPD, in section B relating specifically to shop fronts, advises that the use of a good quality soft wood is often the most suitable material for shop fronts, particularly in older buildings such as this one. The Council contends that this is a reference to the preferred framing materials, rather than cladding, but this is not expressly stated. Nevertheless, whilst the wood itself may be of a good quality, its appearance is highly incongruous in its context. Whilst there are many different styles and materials of shop fronts in the area, there are none consisting of horizontal wooden cladding to the walls of the premises, and the Turkish Hair Master noticeably stands out as very different from its surrounding properties.
10. The Council has expressed concern about the size of the window openings in the property, and although the stallrisers are very low I find insufficient evidence to disagree with the appellant that the size of the openings has not changed. The workmanship below the window openings however additionally detracts from the appearance of the development, appearing rather misaligned and unfinished.
11. There is no evidence before me that a higher standard of design could not viably be delivered, and accordingly I conclude for the above reasons that the shop front does not satisfy the requirements of policy ENV2. Although the character of the shop fronts in the area is a mixture, the appeal development is

so different from them as to say that it is not in keeping with the area's character and hence it is also inconsistent with policy SUP4.

12. Turning to the advertisement, the appellant contends that this is not illuminated, but there are spot lights above the signs enabling its illumination and the display is also said by the application form to incorporate the two LED barber poles. I do not agree with the Council that this is unduly garish, and its colours are not out of character with other surrounding fascia signs, but it does conflict with the Design Principle not to be too wide, by the lack of space at the side on the Dockray Street elevation and the juncture on the Market Street elevation, where the sign finishes rather awkwardly around half way between the window opening and the end of the wooden cladding beyond. The signs are also necessarily affixed to the wooden cladding, which I have found to be unacceptable. Therefore I consider them to adversely affect the amenity of the area. By failing to make a positive contribution to the public space, they are also contrary to policy SUP4.

Planning balance and conclusions

13. The appellant has provided evidence of the support of local retailers and shoppers for the development, and considers that the development has contributed to the success of the business by increasing footfall. I do not doubt that this is the case, but there is no evidence before me that a successful business cannot be achieved without the harms to the character and amenity of the area that I have identified. The development of the shop front conflicts with the development plan policies for the area, and the matters raised in support by the appellant are insufficient to outweigh that policy conflict. Therefore the appeal against the refusal of planning permission is dismissed. The advertisements conflict with the Council's Design Principles SPD and policy SUP4, and cause harm to the amenity of the area by reason of being too wide, and being necessarily sited upon the cladding to the shop front that I have found to be unacceptable. Therefore the appeal against the refusal of advertisement consent is also dismissed.

Laura Renaudon

INSPECTOR