
Appeal Decision

Site visit made on 20 August 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/J3015/Z/19/3231572

109 Central Avenue, Nottingham, Nottinghamshire NG9 2QS

- 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 Miss Choulia Mola against the decision of Broxtowe Borough Council.
 - The application Ref 18/00730/ADV, dated 24 October 2018, was refused by notice dated 26 April 2019.
 - The advertisement proposed is a projecting illuminated sign.
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Decision

1. The appeal is allowed and express consent is granted for a projecting illuminated 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: The intensity of the illumination of the projecting illuminated sign permitted by this consent shall be no greater than 800 candela per square metre).

Procedural Matter

2. The projecting illuminated sign has already been installed and therefore I am considering this appeal retrospectively.
3. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies are not determinative, but I have taken them into account as a material consideration.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the street scene with particular reference to visual amenity.

Reasons

5. The appeal site is situated to the western side of Central Avenue within a row of buildings comprising retail units on the ground floor with residential accommodation above. A number of these retail units have projecting signage at or above fascia level (two of which are illuminated). The eastern side of Central Avenue and the rest of the surrounding area is predominately residential consisting of a mixture of detached, semi-detached and terraced two storey dwellings within a suburban setting.

6. The proposed signage projects from the front of the appeal property and is located above fascia level. It is currently illuminated to a level of approximately 1100 candela per square metre (cd/m^2) which is above the level recommended by the Local Highway Authority (LHA).
7. Given the fact that several of the retail units on the same row as the appeal property have projecting signage (with two of those being illuminated and located above fascia level) the proposed signage does not strike me as being incongruous and would not appear out of place in relation to its surroundings.
8. In addition, the appeal property does not have any other signage on its frontage and consequently the proposal would not cause visual clutter either on its own or cumulatively with the other signage already present in the vicinity.
9. Further, if the existing level of illumination was reduced to the 800 cd/m^2 (as recommended by the LHA) I consider that it would minimise any visual intrusion to an acceptable degree. Accordingly, I am satisfied that there would not be any unacceptable cumulative effect or any significant harm to the visual amenity of the area.
10. I can therefore find no conflict with Policy 18 of the Draft Broxtowe Local Plan Part 2 (2018) which seeks to ensure that shopfronts, signage and security measures are well-designed and in keeping with the character of the area.

Conclusion

11. For the reasons set out above the appeal is allowed.

Conditions

12. In addition to the five standard advertisement conditions, I have also imposed a condition limiting the illumination of the proposed signage to 800 cd/m^2 in order to safeguard the visual amenity of the local area.

C Coyne

INSPECTOR