



Appeal Decision

Site visit made on 11 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/W1850/Z/19/3235652

7 Market Place, Ross-On-Wye HR9 5NX

- 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 Chris Pawlin against the decision of Herefordshire Council.
 - The application Ref 190965, dated 7 February 2019, was refused by notice dated 2 July 2019.
 - The advertisement proposed is internally illuminated logo, non-illuminated aluminium fascia panel, internally illuminated projecting sign, statutory sign, switch vinyl.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The advertisements are already in situ. I have therefore determined the appeal on the basis that retrospective planning permission is sought.
3. The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

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

Reasons

5. The appeal building is situated within the Ross-On-Wye Conservation Area (CA). The significance of the CA lies in the layout, form and variety of mainly traditional buildings, many of architectural merit of which several on Broad Street and High Street are Grade II and Grade II* listed. Most notably, the Grade II* listed and designated Scheduled Ancient Monument, Market House is positioned close to the appeal building. Buildings are generally in commercial use owing to their position within the town centre.
6. I have a statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of Listed Buildings. The National Planning Policy Framework (2018) (the Framework) requires great weight to be given to the conservation of designated heritage assets and that any harm to an asset should require clear and convincing justification. The Framework also says that the quality

- and character of places can suffer when advertisements are poorly sited and designed.
7. The advertisements incorporate the Nationwide Building Society company logo, associated text and blue, white and red colour scheme. In the context of existing advertisements installed on neighbouring units, the design of the advertisements does not appear particularly at odds with those units where modern signage has been utilised. However, there are examples of signage of more discreet design and materials in the area particularly along High Street which demonstrate how advertisements can better respond to the traditional context of the CA. The contemporary design and materials utilised in the advertisements, emphasised by the pronounced appearance of the projecting sign and the logo panel over a contrasting grey aluminium fascia, do not positively reflect the position of the building the CA in close proximity to listed buildings.
 8. The appellant contends that the Grade II* listed Market House is approximately 25 metres away, that the proposed illumination is not bright enough to cause distraction and that there are other illuminated signs in closer proximity to the listed monument for which advertisement consent has been granted. From my own observations, the appeal site forms part of the vista towards Market House, particularly in views along Broad Street. Whilst some neighbouring contemporary advertisements do incorporate lighting, where this is present, this is not a positive aspect of the CA. Illumination of the advertisements would increase the presence of illuminated signage in the CA and would attract undue attention to the modern design of the proposals. Consequently, the illuminated advertisements would neither preserve nor enhance the character and appearance of the area and would distract from the significance of the heritage assets, having a harmful impact on their setting.
 9. I note the appellant's suggestion that the advertisements are a like for like replacement of previous advertisements and that the design is more in keeping with the surrounding area than the previous signage. However, the design of the replacement advertisements and their relationship with the amenity of the area must be considered on their own merits, taking into account the specific site context within the setting of heritage assets and the great weight that must be given to their conservation.
 10. Taking the above issues in to consideration, I conclude that the proposal fails to preserve or enhance the character or appearance of the CA or the setting of Market House therefore conflicting with the statutory duty under s72. The illuminated advertisements would harm the visual amenity of the area, and would be contrary to the Development Plan and specifically Policies LD1 (Landscape and townscape) and LD4 (Historic environment and heritage assets) of the Herefordshire Local Plan Core Strategy (2015), which confirm the historic environment will be protected and require proposals to contribute positively to an area's character and appearance. These policies therefore seek to protect amenity and so are material in this case. For the same reasons, the proposal would be contrary to the provisions of paragraph 132 of the Framework.
 11. For the reasons given above, I conclude that the appeal should be dismissed.

M Russell INSPECTOR