
Appeal Decision

Site visit made on 25 November 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/H0738/Z/19/3237268

41 High Street, Norton, Stockton-on-Tees TS20 1AH

- 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 Yar Mohamed against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 19/0453/ADV, dated 1 April 2019, was refused by notice dated 25 July 2019.
 - The advertisement is an internally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the advertisement from the Council's decision notice as this is a more precise description of the advertisement subject to the appeal.
3. At the time of my visit the advertisement had been installed. I am therefore considering the appeal retrospectively.

Main Issue

4. The main issue is the effect of the advertisement on amenity.

Reasons

5. The appeal property is a single storey commercial unit situated on a parade which is made up of other commercial properties. It is separated from the main High Street thoroughfare by a pleasant tree lined area of open space which positively contributes to the character of the area. The appeal property is located within the Norton Conservation Area which is characterised by various forms of development that are centred around the low-key commercial High Street and includes a number of significant and visually pleasing green spaces with mature trees.
6. In the vicinity of the appeal site, there is a range of retail and commercial uses with associated fascia advertisements, some of which are illuminated although this is mainly by external illumination.
7. The National Planning Policy Framework (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to control

only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.

8. The advertisement subject to the appeal is positioned on the fascia above the existing shopfront. Its bold colours with large pink lettering on an illuminous green background result in the advertisement being highly prominent and having a restless relationship with the more traditional and subtle advertisements in the surrounding area. The notable and uneasy protrusion of the individual letters, combined with the internal illumination, results in the advertisement forming a bulky, dominant, discordant and inharmonious feature on the property and in the street scene. For these reasons, the advertisement appears visually intrusive and therefore fails to preserve or enhance the character and appearance of the Conservation Area. Consequently, I conclude that the advertisement has a harmful effect on amenity.
9. The appellant has referred to the loss of trade as a result of not illuminating the signage, and the financial impact that would result if they are unable to retain the signage. I have considered these arguments; however, I find that neither would outweigh the harm in terms of amenity and the harm that is caused to the character and appearance of the Conservation Area.
10. The appellant has referred to other food establishments in the surrounding area with similar advertisements. No specific sites are referred to and I do not have full details of the other examples. Those that I observed on my site visit were at different premises with different advertisements, and those of which that were illuminated, were externally illuminated. Some of the other advertisements in the area are good examples that serve to enhance the appearance of the area whereas others are poor examples that demonstrate the harm that can be caused by inappropriate advertisements, the presence of which would not lead me to find in favour of the appeal advertisement.
11. The appellant has also commented that the advertisement does not disturb anyone or cause problems for customers or passers-by. These matters are not in dispute, nor are they pertinent to the main issue. I do not consider that the lack of disturbance or problems caused for customers or passers-by would outweigh the harm in terms of amenity and the harm that is caused to the character and appearance of the Conservation Area.
12. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. I conclude that the advertisement has a harmful effect upon amenity and fails to preserve or enhance the character and appearance of the Norton Conservation Area. The advertisement therefore conflicts with Policy SD8 of the Stockton-on-Tees Local Plan (2019) which requires, amongst other things, that development be of a high standard of design, responding positively to heritage assets and that signage is of an appropriate design.
13. The advertisement would also conflict with guidance contained in the Stockton-on-Tees Shop Front Design and Advertisements Supplementary Planning Document (SPD) (2013) which requires, amongst other things, that advertisements in conservation areas do not detract from the building or shop frontage.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

14. In reaching my findings with regard to the effect on amenity, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which includes the relationship with listed buildings, their setting and other features of special architectural or historic interest which it possesses.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR