
Appeal Decision

Site visit made on 3 December 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/V0510/Z/19/3237216

26 St Mary's Street, Ely CB7 4ES

- 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 Thomas Norfolk (St Mary's Dental Practice) against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00743/ADN, dated 21 May 2019, was refused by notice dated 17 July 2019.
 - The advertisement proposed is for a temporary non-illuminated advertisement sign.
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Decision

1. The appeal is dismissed.

Procedural Matter and Background

2. I have taken the description of development in the banner heading above from the appeal form and the Council's decision notice, in the interest of clarity and brevity.
3. The Council have confirmed that the appeal site is subject to an Area of Special Control of Advertisements Order (ASCAO). However, the evidence supporting this from the Council is difficult to read, nor do I know if the ASCAO has been reviewed recently. It has had no bearing on my decision as I have assessed the proposal on its merits.
4. The appeal site is located within the Ely Conservation Area (CA) and close to several statutorily listed buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I have considered this, and the effect of the proposal in relation to listed buildings, in respect of amenity, and this is set out in my reasoning below.
5. The Council's decision refers to a range of policies. In reaching my decision I have had regard to Policies ENV2, ENV3 and ENV11 of the East Cambridgeshire Local Plan 2015 in so far as they are relevant to the requirements set out in the Regulations, which is to decide the appeal in the interests of amenity and public safety¹. In this regard, I have also taken into account relevant paragraphs of the National Planning Policy Framework (the Framework) and National Planning Practice Guidance.

¹ As set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Main Issue

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

Reasons

7. The appeal site comprises a detached building which is currently used as a dental practice. It lies on St Mary's Street, which is a street fronted by a number of period buildings, several of which are Grade II listed, which have a notably historic style. Combined with the traditional appearance of the appeal building, they give the street a sense of history and architectural richness.
8. I saw several examples of advertisements, shop fronts and other signage in the local area on my site visit. Unlike the appeal property, which lies amidst a run of buildings with a domestic and traditional appearance, a number of the examples I observed were located on or close to buildings further to the east along St Mary's Street, which is more commercial in character. The appellant has also made me aware of other banner signs in the local area, but I do not know if these signs have the benefit of consent.
9. In any event, I find that the scale of the proposed banner sign, coupled with its synthetic composition, would appear at odds with the traditional style and appearance of the appeal property and buildings close to the appeal site, to the detriment of the character and appearance of the area. Whilst street lighting columns, bollards and a range of other street furniture are evident in the area, the proposed banner would be in a more prominent position and be of a scale and design which would appear discordant within the street.
10. I have considered the fact that it is proposed that the banner be in place for a temporary period of up to 12 months. Nevertheless, I find that it would be an unacceptable visual intrusion into the street, out of step with the prevailing historic urban fabric.
11. A number of circumstances have been put forward by the appellant relating to the benefits the banner sign would bring for existing and potential new patients in terms of raising awareness of the NHS service on offer within the appeal building. However, advertisements should only be subject to control in the interests of amenity and public safety. There is no indication in the Regulations that other considerations either in favour or against proposals can be taken into account.
12. Whilst I note the appellant's concerns regarding the Council's ignorance in allowing other more harmful signage in the area, and they feel that the decision to refuse the application was inconsistent with other decisions taken by the Council, I have considered this appeal on its individual merits in respect of amenity and public safety, as required by the Regulations.
13. In conclusion therefore, I find that the development would be harmful to the visual amenity of the area.

Conclusion

14. For the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR