
Appeal Decision

Site visit made on 10 December 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2019

Appeal Ref: APP/V2004/Z/19/3237823

Burnett House, 82-83 Castle Street, Hull HU1 1SD

- 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 Iguana Developments Limited against the decision of Kingston-upon-Hull City Council.
 - The application Ref:19/00894/ADV, dated 24 July 2019, was refused by notice dated 13 September 2019.
 - The advertisement proposed is described as "consent to display placard style signs on fencing around the boundary of Burnett House, Castle Street."
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Decision

1. The appeal is allowed and express consent is granted for the display of placard style signs on fencing around the boundary of Burnett House, Castle Street as applied for. The consent is for 18 months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The advertisements permitted by this consent shall be removed from the site no later than 18 months from the date of this decision.

Procedural Matter

2. As the signage is already in place, I have dealt with the appeal on a retrospective basis.

Main Issue

3. The main issue is the effect of the signage on the amenity of the area, including on the Old Town Conservation Area and on the setting of the listed statue of King William III and Hull Minster.

Reasons

4. The appeal site is located on the corner of Castle Street and Market Place. The signage is attached to fencing along the site frontage. It is positioned to each side of Burnett House and projects forward of it. The public realm to the front of the site widens with areas of grass and paving up to the footways. The signage is constructed in a solid vinyl finish and advertises a housing development.
5. Castle Street forms one of the main thoroughfares through the city centre. Opposite the site are found further hoardings which are advertising the Fruit

Market redevelopment. Market Place is one of the main entry points into the Old Town and there are a mix of buildings within this part of the conservation area. Of note is the gilded equestrian statue of King William III, which lies a short distance from the site in the roadway. In addition, the imposing Hull Minster is found to the north of the site beyond intervening buildings and car parking. Both the statue and the Minster are grade I listed buildings.

6. The signage, whilst necessarily visible due to its function, does not appear unduly large in terms of the number of hoardings and the scale. The set-back from the roads created by the areas of grass and paving lessens the wider prominence, as does the presence of the much larger Burnett House itself. From Castle Street, views from traffic using this busy road is fleeting and it does not attract the same attention as the signage associated with the Fruit Market which extends for a longer distance. When seen from Market Place, views are more limited as the adjacent building fronts directly onto the footway, with the signage then angling back around the site frontage.
7. The overall appearance of the signage is not untypical and the use of the brighter colours sits comfortably in these varied surroundings. When these factors are taken together, the signage does not appear overly dominant and incongruous, or create excessive clutter. As a consequence, the signage preserves or enhances the character or appearance of the conservation area.
8. The statue derives much of its significance from its gilded appearance and that it sits proudly in the middle of the road. The road itself seems to largely define its setting and although the signage can be viewed in conjunction with the statue, it does not diminish from its special features or presence. The statue remains the dominant feature in this part of Market Place.
9. The Minster is a considerably larger and more dominating structure than the signage and so even where they can be viewed together, the signage has a limited discernible impact. In this regard, the separation provided by other buildings and the car parking also curtails the effect. The signage preserves the setting of both of these listed buildings.
10. The Council's submissions refer to that Burnett House is a locally listed building. It is markedly more prominent than the signage with its proportions and high gable ends, and the signage does not unduly detract from these particular qualities. I am mindful of a previous refusal on the site and that where signage has been previously permitted it was less in number than what is before me to consider. Nevertheless, the proposal is to be determined on its own merits and, for the reasons that I have set out, it is not unacceptable.
11. I conclude that the signage does not have an unacceptable effect on the amenity of the area, including on the Old Town Conservation Area and on the setting of the listed statue of King William III and Hull Minster. As such, the signage complies with paragraph 132 of the National Planning Policy Framework as it does not result in a situation where the quality and character of places can suffer when advertisements are poorly sited and designed.
12. The Advertisement Regulations (2007) (the Regulations) only permit amenity and public safety to be taken into account and so other matters which have been raised fall outside of what I can consider in my decision. The Council has drawn my attention to Policies 16 and 20 of the Hull Local Plan 2016 to 2032 (2017) in respect of heritage considerations and advertisements. I have taken

these policies into account as they seek to protect amenity and so are material. As I have concluded that the signage does not harm amenity, it does not conflict with these policies.

Conditions

13. It is within my powers to grant less than the 5 year period for an express consent. Given the site's location in relation to designated heritage assets and that the signage relates to the temporary sales and marketing of a housing development, I consider that an 18 month period is justified in these circumstances. This was also on the basis on which consent was sought, according to the appellant's submissions. As a consequence, in addition to the standard conditions under the Regulations, I have imposed a condition that would require the removal of the advertisements at the end of this specified period to ensure they would not benefit from a deemed consent.

Conclusion

14. For the reasons set out above, and having regard to all matters that have been raised, the appeal should be allowed.

Darren Hendley

INSPECTOR