



Appeal Decision

Site visit made on 7 January 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

Appeal Ref: APP/A0665/Z/19/3239391

24-26 Leicester Street, Northwich CW9 5LG

- 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 SportsDirect.com Retail Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01014/ADV, dated 15 March 2019, was refused by notice dated 17 September 2019.
 - The advertisement proposed is various advertisements.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form does not provide an address for the appeal site. I have therefore adopted the address from the decision notice and the appeal form in the banner heading above.
3. The Council issued a split decision in which express advertisement consent was granted for the advertisements described as signs 1-6 on drawing no 4 dated 06/03/19, and express consent was refused for the advertisements described as signs 7-12 on the same drawing.
4. Signs 1-6 are on the front elevation of the building where they are seen in the context of the shop frontage and the adjacent similar commercial frontages. On the basis of the evidence before me and what I saw during my visit, they are appropriate and proportionate to the surrounding built environment and I see no reason to disagree with the Council's decision in relation to signs 1-6. Therefore, for the avoidance of doubt, this appeal relates only to signs 7-12 which are on the side elevation of the building.
5. At the time of my visit I observed that the advertisements had been erected. Therefore, I have determined the appeal on the basis that retrospective consent is sought for the advertisements that have already been implemented.

Main Issue

6. The main issue is the effect of the advertisements numbered 7-12 on visual amenity.

Reasons

7. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterate this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
8. The appeal building is a substantial and overtly modern building in a primarily retail led commercial area. The extensively glazed shop frontage with its associated advertisements faces into the retail centre. Consequently, it is seen in the context of the other similarly contemporary commercial buildings that characterise this part of the retail development (ref 12/05368/FUL).
9. In contrast, the appeal site is the side elevation of the building adjacent to a pedestrian walkway that leads from Tabley Street towards Leicester Street and the Barons Quay commercial area. As a result, the appeal advertisements are visible not only from Leicester Street but also from locations to the rear, including the supermarket car park on the opposite side of Tabley Street and the stretch of Tabley Street towards Witton Street including the junction with Albion Road.
10. The part of Tabley Street in the vicinity of the appeal site is dominated by the significantly bulky and angular contemporary buildings, including the matching solid and unglazed rears of the appeal building and its neighbours. There is an absence of signage in this part of the street. Therefore, while the appeal advertisements are proportionate to the scale of the appeal building, they are nevertheless discordant and visually obtrusive in the context of the extensive and plain unadorned rear elevations.
11. There are advertisements further along Tabley Street heading in the direction of Witton Road. However, these are characteristically relatively unobtrusive, including fascia signs on modest 2 storey traditional buildings with ground floor commercial premises. The overtly modern and illuminated appeal advertisements are out of scale and not in keeping with the traditional signage in the street. Moreover, the advertisements elsewhere on Tabley Street do not in any case provide a visual context for the appeal advertisements. By virtue of their location, modern design and illumination, the appeal advertisements are discordant and incongruous in the street scene.
12. I appreciate that the appellant would be willing for the period of illumination to be controlled by planning condition. However, having visited the site during daylight hours and observed that the advertisements are visually obtrusive, I do not consider that the adverse effects on amenity could be mitigated in this way.
13. Therefore, the advertisements numbered 7-12 are harmful to visual amenity. Policy DM17 of Cheshire West and Cheshire Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019 requires advertisements, among other things, to respect the general characteristics of the area. While not determinative in my decision, I consider that the advertisements fail to accord with this policy.

Other Matters

14. I note the suggestion that the advertisements will draw customers from Witton Street and encourage linked trips. However, the retail development of which the appeal premises forms part appears to be well connected to the town centre. There is little before me to suggest that it is not adequately signposted or that shoppers and visitors to the area are unable to find the appeal premises. I am not therefore persuaded that this is a benefit of the advertisements that would outweigh the harm that I have found.

Conclusion

15. For the reasons set out above, I conclude that the appeal advertisements numbered 7-12 are harmful to visual amenity. The appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR