
Appeal Decision

Site visit made on 10 February 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/L1765/Z/19/3238715

Lidl, Rookery Avenue, Whiteley PO15 7FN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr James Mitchell of Lidl Great Britain Ltd against the decision of Winchester City Council.
 - The application Ref 19/01284/AVC, dated 31 May 2019, was refused by notice dated 21 August 2019.
 - The advertisement proposed is 1 no. freestanding poster panel.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. freestanding poster panel as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

2. The poster panel has already been erected. This has directly informed my assessment of the merits of the appeal, however my decision is based on the plans submitted.

Main Issue

3. Consideration of advertisements is limited to matters of amenity and public safety. The Council has raised no objections related to public safety. The main issue is therefore the effect of the advertisement on amenity.

Reasons

4. The supermarket outside which the poster panel has been erected is located just off a large roundabout close to the M27. The panel itself is set away from, but faces towards the roundabout. Roads and highways infrastructure, including road signage, have a visually dominant presence within the immediate setting of the site. The context is otherwise characterised by large buildings set within open spaces which are largely filled by car parks. These buildings include the supermarket itself, office blocks within a business park on the opposite side of the roundabout, and a hotel. Whitley Way, which runs through the roundabout otherwise provides direct access to the M27 and an industrial park towards the south, and further offices and a retail park towards the north.

5. The poster panel is supported by a propped timber frame, with timber cladding below. This is set a short distance from and angled away from the side elevation of the supermarket. The front of the poster panel, and thus too the poster attached to it, is visible from the roundabout. However only drivers of vehicles turning towards or down Rookery Avenue, or entering the roundabout along Whitely Way and travelling south can view it clearly. Pedestrians are able to view the front of the panel from the pavement which runs along Whitely Way and Parkway on the opposite side of the roundabout, but the view is across a reasonably long distance. The panel can be viewed more closely from the pavement on the opposite side of Rookery Avenue.
6. Close up it is obvious that the panel is freestanding and set away from the supermarket, but less so from a distance. Even from the pavement opposite, as within most of the perspectives within which the panel is viewed, the view is, if not largely, then wholly, set against a backdrop provided by the supermarket. Within these views the supermarket is clearly more substantial, taller and more visually dominant than the poster panel. As such, whilst the poster panel is noticeable, neither its location, design nor scale cause it to appear obtrusive.
7. Approaching the roundabout along Rookery Avenue the back of the poster panel is visible. Whilst this is not particularly attractive, it is not exceptionally obtrusive given that the backs of large road signs are also viewed by the roadside on the approach to the roundabout.
8. In identifying harm on account of visual clutter, the Council's decision makes specific reference to 'the existing advertisement displayed within the grounds'. This is presumably the totem sign which carries the store name, and details of products and facilities within. This sign is located close to a second roundabout which serves the junction between Rookery Avenue and Solent Way. Due to the distance between this sign and poster panel, and the fact that each stands in front of a different elevation of supermarket, views which clearly feature both are limited. Though the panel and totem sign are nonetheless each viewed in sequence travelling along Rookery Avenue, they are experienced separately. This is due again to the distance between, and also their dissimilar character and setting. There is therefore little sense that poster panel is perceived as visual clutter simply on account of, or in association with the totem sign.
9. Part 14 of the Council's Design Guidance for the control of Shopfronts and Signs (the SFDG), generally observes that signage related to 'retail warehousing' is often gross in terms of its size, design and materials. It states that because such signage tends to be viewed in the context of adjoining countryside or small scale development, this kind of dominance is not necessary or appropriate. As outlined above however, the advertisement is not viewed against the countryside or small scale development; the context is indeed dominated by developments of large scale, together with the adjacent highway and roundabout. Though the general framing of the guidance within the SFDG is therefore not directly applicable to the circumstances in question, the poster panel nonetheless broadly complies insofar as it is not visually dominant, it generally complements the appearance of the supermarket, and it has very little other identified impact on the locality.
10. The Council also stated in its decision that the poster panel represents an unnecessary and excessive display of advertisements. However, the Planning Practice Guidance makes clear that necessity cannot form a basis for refusal of

advertisement consent where the advertisement in question is not harmful to amenity. In view of my findings above, the necessity or otherwise of the advertisement is not open for consideration.

11. For the reasons outlined above I conclude that the advertisement is acceptable with regard to its effects on amenity. In reaching this conclusion I have taken into account Policy DM34 of the Winchester District Local Plan Part 2; Development Management and Site Allocations 2017, which states that in order to maintain commercial and visual attractiveness, consent will be granted for advertisements and signs which respect local character and conform to the guidance in the SFDG, and so is material in this case. In view of my findings and my conclusion above, the advertisement subject of this appeal complies with this policy.

Other Matters

12. The Town Council has raised concern with regard to public safety, given the possible distraction caused to drivers. However, the Highways Authority does not share this view, and I see no reason to find otherwise.

Conditions

13. Express consent is granted subject to the 5 standard conditions set out within the Regulations. The Council has also requested a number of conditions, and insofar as these cover the same, or broadly the same ground as the 5 standard conditions, there is no need for them to be imposed. The Council has additionally requested a condition requiring the sign to be non-illuminated. However, consent has not been sought for an illuminated advertisement, and the effect of granting consent would not be to allow this. There is therefore no necessity for this condition.

Conclusion

14. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR