



Appeal Decision

Site visit made on 2 June 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2020

Appeal Ref: APP/W1525/W/19/3241891

**Pavement outside Pause Cafe, Cancer Research and Rayleigh Hi-Fi,
Moulsham Street, Chelmsford**

- 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 Ms Tilly Stuart of Essex County Council against the decision of Chelmsford City Council.
 - The application Ref 19/01424/ADV, dated 14 August 2019, was refused by notice dated 10 October 2019.
 - The advertisement proposed is a digital advert on the real-time passenger information screen located at the bus stop. Adverts could be from a broad range of suppliers - both public and private.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons for the Recommendation

4. The appeal site consists of an existing bus service information display kiosk located in a pedestrianised area within the town centre's main shopping street. It sits adjacent to the entrance to an underpass which leads to the southern part of Moulsham Street, on the other side of the A1060 dual carriageway known as Parkway.
5. The display kiosk lies within the Baddow Road and River Can Conservation Area (the 'Conservation Area') which covers the town centre area between the River Can and Parkway, and its significance lies in the 18th-19th Century buildings set within pedestrianised streets in the town's historical core. Overlooking the site is the Grade II listed building at 216 Moulsham Street. It's listing information describes it as timber framed with brick front. It features windows with stucco architraves and moulded hoods, parapets coped with moulded stone slabs, and a gambrelled peg-tiled roof. Also opposite the site are the locally listed

- buildings at 12-13 Moulsham Street which have recently been refurbished and feature a double pile roof range and a decorative façade.
6. The proposed internally illuminated digital advertisement would be displayed on the existing information kiosk installed to display bus services and timetable information. It is a 2.5m tall freestanding structure, comprising a double-sided 75" digital display screen. The display would show intermittent commercial advertising as well as real-time bus passenger information.
 7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (NPPF).
 8. The existing kiosk occupies a prominent location within the pedestrianised space, appearing tall and bulky in an isolated position away from the nearby bench, telephone box and bus stops on Parkway. Although the structure is isolated from other street furniture, the illuminated advert would be seen in the context of the others adverts on the shopfronts. Also, the structure's black coloured materials and large illuminated digital screen would contrast with the surrounding historic backdrop. In my view, the proposed advertisement would draw attention to the kiosk and would accentuate its incongruous profile in this setting. I find it would be an intrusive addition to the locality adding visual clutter to the area when seen from various positions within the pedestrianised area as well as from the highway. Moreover, the resultant cluttered effect would detract from the character and appearance of the Conservation Area, the setting of the Grade II listed building at No.216 and the pleasant façade of the locally listed buildings at No.12-13.
 9. The appellant refers to a High Court judgement (*Retail Media and Secretary of State for Environment Transport and Regions and Macclesfield BC* [2000] EWHC Admin 398) and emphasises that surrounding advertising should be taken into consideration. The appellant also reasons that the existing information kiosk does impact the Conservation Area but that this impact is significantly less than the combined impact of the nearby telephone box and bus shelters. Nonetheless, as set out above, even accounting for these other adverts, the prominence of the existing screen would be exacerbated as a result of the proposed advertising which, when combined with the nearby street furniture would further erode the significance of the Conservation Area as well as the setting of the Grade II listed building at No.216 and locally listed buildings.
 10. My attention was drawn to other illuminated advertisements and signs in the wider vicinity. In particular, the appellant stresses that, within conservation areas, seven other real-time information screens with illuminated advertisements owned by the appellant were recently given consent by the Council and that therefore this refusal is inconsistent with these decisions. I note that these decisions relate to bus shelters and so I do not find that they are comparable to the proposal as they do not lie in such prominent locations. Therefore, these cases do not alter my view that the proposed advertisement would harm visual amenity and erode the setting of the identified heritage assets.

11. The appellant asserts that the income generated from the advertising would cover the cost of maintenance and management of the real-time bus service information system thus shifting this cost from being taxpayer funded to being commercially funded. I consider the benefit of this to be negligible in this instance.
12. In light of the foregoing, I therefore conclude that the proposal would harm the visual amenity of the area. In my consideration, I have had regard to Policy DC17 of the Chelmsford Local Plan (2020) and the NPPF which both seek to ensure heritage assets are preserved and enhanced.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR