



Appeal Decision

Site visit made on 2 June 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/H0783/Z/20/3245210

Bannatynes Fitness, Myton Road, Ingleby Barwick TS17 0WA

- 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 S Hannock of Bannatynes Fitness, against the decision of Stockton on Tees Borough Council.
- The application Ref 19/0532/ADV, dated 27 February 2019, was refused by notice dated 16 September 2019.
- The description of the development on the application form is described as: Free-standing totem sign (replacement) and 2no. banner signs secured to fencing adjacent to free standing totem.

Decision

1. The appeal is allowed insofar as it relates to the totem pole, and express consent is granted for the display of the free-standing totem pole 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.
2. The appeal is dismissed insofar as it relates to the 2 no. banner signs.

Appeal Procedure

3. 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.

Preliminary Matters

4. The Council confirmed the revised drawings submitted by the appellant during the determination of the application were not accepted as amended drawings and did not form part of the Councils determination of the proposal. It is not the purpose of the appeal system to evolve schemes in an attempt to overcome objections to a proposal – where an appeal is made, it is made against the decision to refuse the application on the basis of the details that were considered by the Council. I have therefore assessed the appeal on the same drawings that were before the Council.
5. At the time of my site visit the free-standing totem pole was in situ.

6. The Council has drawn my attention to the policies it considers relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal the Council's policies have not therefore, in themselves, been decisive.

Main Issue

7. The effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

8. The appeal site sits towards the southern end of a cul de sac on Myton Road in a mixed-use commercial area. Within the area there is a mix of building types which vary in size, including single storey terraced units and, like the associated appeal building, large two storey detached units. The units are generally well spaced out resulting in an area that appears open and uncluttered.
9. The proposal seeks consent for a totem pole and 2 no. banner signs to be located along the front railings of the appeal site.

Free-standing totem pole

10. The totem pole sits close to the site boundary nearest to the highway. Its siting and scale make it highly visible from within the immediate street scene and from various surrounding viewpoints. On approach to the appeal site I observed totem poles at Tesco's and at the Woodbridge Practice and various other fascia and banner signs which are commensurate with commercial areas of this type. The various signage contributes to the commercial character of the area and it is within this context that I have considered the proposed adverts.
11. Whilst accepting that the height of the totem pole exceeds the one it replaced, it remains set down from the roof line of the nearby buildings and is sited against a backdrop of large two storey commercial buildings. Moreover, as it is sited within an established commercial area, its scale and elongated form does not make it appear as an unduly large or incongruous feature. As such, it does not harm the visual amenity of the immediate street scene or surrounding area.
12. Although, in advertisement appeals, development plan policies are not determinative, I am satisfied that there is no conflict with Policy SD8 – *Sustainable Design Principles* of the Stockton-on-Tees Borough Council Local Plan (2019) (LP) and the *Shop Front Design and Advertisements* Supplementary Planning Document (2013) (SPD), which seeks advertisements to be appropriately designed and new development to contribute positively to local distinctiveness and character. These policies are consistent with paragraph 132 of the Framework which seeks to avoid poorly sited and designed advertisements.

Banner signs

13. The proposed banner signs would be situated close to the totem pole and secured to the metal railings which run parallel with the highway. In addition to the totem poles and fascia signs that I observed, I also noted other free standing and A board advertisements in the surrounding area. These freestanding signs were located some distance away from the appeal site and appeared well-spaced out thus the area surrounding the appeal site appeared generally clutter free. The railings are of a simple and attractive design which allow clear views through to the landscaping which runs alongside the highway. That landscaping, in addition to similar planting around the perimeter of the Tesco store, adds an important and attractive sense of greenery into an otherwise commercial area dominated by large buildings.
14. The banner signs would cover a substantial amount of the railings and block views through to the planting beyond diminishing the soft impact of the landscaping around the car park. In addition, the use of plastic banners hanging from railings directly on the back edge of the pavement would introduce a sense of clutter which would appear relatively uncoordinated when compared to the more formal signage such as the totem which has a more carefully planned appearance. Consequently, given their type, size, material and number the banners would introduce an incongruous and intrusive feature in this otherwise uncluttered area. As such they would appear visually obtrusive and unacceptably harmful to the visual amenity of the area.
15. I have concluded that the development would harm the visual amenity. I have taken into account Policy SD8 of the LP, and the SPD which aims seek to secure appropriately designed adverts and therefore are material in this case and in line with the aims of the Framework.

Conclusion and Conditions

16. As the free-standing totem pole is in place, the five standard conditions set out in schedule 2 of the 2007 Regulations are relevant but it is not necessary to impose a condition specifying the approved plans.
17. For the reasons given above, I recommend that a split decision is issued and the free- standing totem pole is allowed, and the 2 no. banner signs are dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, agree that the appeal in relation to the free-standing totem pole is allowed and the part of the appeal that relates to the 2 no. banner signs is dismissed.

Chris Preston

INSPECTOR