
Appeal Decision

Site visit made on 11 June 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/W2465/Z/19/3242184

24 The Grand Union, King Street, Leicester LE1 6RL

- 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 Marston's PLC against the decision of Leicester City Council.
 - The application Ref 20191535, dated 14 August 2019, was refused by notice dated 24 October 2019.
 - The advertisements are: 1 x internally illuminated fascia with individual 3D letters 'A'; 2 x externally illuminated projecting sign 'B'&'E'; 2 x non illuminated amenity board sign 'C'&'H'; 1 x non illuminated chalk board 'D'; 1 x non illuminated individual letters 'F'; 1 x non illuminated sign written text above arched window 'G'.
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Decision

1. The appeal is dismissed insofar as it relates to sign 'A' and allowed, and therefore express consent is granted, insofar as it relates to signs 'B', 'C', 'D', 'E', 'F', 'G' and 'H', in accordance with the terms of application Ref 20191535, dated 14 August 2019, at 24 The Grand Union, King Street, Leicester LE1 6RL. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹ and the following condition:
 - 1) The light intensity of the externally illuminated signs hereby granted express consent shall not exceed 200 candelas per square metre.

Procedural Matters

2. I observed that the signs have been installed. I have therefore made my decision on this basis.

Main Issue

3. Given that the Council granted express consent for signs 'B' to 'H' the main issue is the effect of sign 'A' on the visual amenity of the area, with particular regard to siting, design and illumination.

Reasons

4. The site is located close to the north-western end of New Walk, which lies within the New Walk Conservation Area (NWCA) and New Walk Grade II Listed Park and Garden. The appeal building sits at one end of a short terrace, its north-eastern facing elevation fronting New Walk and south-western elevation fronting King Street. The site is within proximity of several Listed Buildings (LB) lampstands.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended

5. New Walk, and the NWCA, stretches from Granville Road to King Street. The significance of the NWCA derives from numerous historical, architectural and archaeological aspects dating back to the early 18th Century. The key factors of significance relevant to the appeal are the wide, mostly tree-lined, pedestrianised, linear Walk itself, which, in addition to the LBs close to the site, has numerous LBs sited either side of the route. The Walk also includes 3 of the main open spaces within the NWCA. There is a wide mix of land uses within the area and the north-western end of New Walk includes shops, bars, restaurants, offices, public buildings and residential properties. Although there are commercial uses in the area, the Walk retains a calm, tranquil ambience.
6. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (CA), which is therefore a matter of considerable importance and weight.
7. Some of the buildings within proximity of the appeal site have signs attached, some of which are illuminated, mainly by discreet spot lighting or narrow strip lighting. Sign 'A' is positioned on the elevation fronting New Walk and consists of a fascia panel with 3D letters, illuminated by internal LED lighting that is scheduled such that in the evenings the light moves/fades from white, to pink, to red, to purple to blue. Sign 'A' is the largest and most prominent sign on the building. Given its size and prominent siting, I consider that the illumination used for the sign introduces a garish and brash feature that would be incongruous within the area and disrupt its tranquil atmosphere. Therefore, with particular regard to the siting being in a prominent position, the design, insofar as the illumination details are part of the design, and the means of illumination, I conclude that sign 'A' is harmful to the visual amenity of the area. Additionally, it does not protect or enhance the NWCA.

Other Matters

8. I agree with the Council's conclusion regarding signs 'B' to 'H'. These signs are all smaller than sign 'A', not as prominent and the means of illumination of the hanging signs, ie the small-scale strip lighting, is relatively low key. As such, I conclude that these signs do not harm the visual amenity of the area and therefore preserve the character and appearance of the NWCA.

Conditions

9. In addition to the standard conditions outlined in the Regulations I have attached a condition restricting the luminous intensity of the illuminated signs hereby granted consent, in the interest of the visual amenity of the area and to protect the character and appearance of the NWCA.

Conclusion

10. Bearing the above factors in mind, I conclude that the appeal is part allowed and part dismissed.

J Williamson

INSPECTOR