



Appeal Decision

Site visit made on 3 August 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/W4223/Z/20/3255593

59-61 George Street, Oldham OL1 1JF

- 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 Zaib Hussain against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/344825/20, dated 1 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is illuminated fascia sign.
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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.

Preliminary Matters

3. For clarity, I have taken the site address from the Council's decision notice and the appeal form as it is more precise than that given on the application form.
4. On the application form the appellant confirms that the advertisement is already in place. I noted on my site visit that the sign had been erected. From the evidence before me, it is clear that the proposal is to retain the advertisement, and I have dealt with it on that basis.

Main Issue

5. The effect of the advertisement on the visual amenity of the area, including the setting of a Grade II listed building.

Reasons for the Recommendation

6. The National Planning Policy Framework (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed¹. It also states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative

¹ Paragraph 132

impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood².

7. The appeal building relates to a retail unit located within the central shopping core of Oldham. From the evidence before me, I understand that the sign has been in place for a number of years. No information has been submitted to demonstrate the character and appearance of the previous shopfront, and associated signage.
8. The appeal site is within the setting of a Grade II listed building; George Street Chapel (LB). The LB makes a positive contribution to the area. From the evidence before me, the Chapel was constructed in approximately 1815 and is constructed of brick with a slate roof. Facing George Street, the Chapel has four tall windows with stone sills and flat-arched brick heads. Underneath these openings are basement windows. It also has panelled doors set within a stone pedimented architrave. On my site visit it appeared that the Chapel has been modernised over the years, for example through the use of roof lights. The setting of the Chapel has evolved and many of the surrounding buildings have been modernised with shop frontages which do not positively contribute to the setting of the LB.
9. The advertisement before me is visually dominant due to a combination of its size, siting and design. The eye is naturally drawn to the appeal site as the retail unit is considerably larger than the other units on this side of George Street. On the opposite side of George Street is a further large retail unit occupied by 'Bargains 4 less Superstore' which contained a prominent fascia side. However, I observed that, in general, other signs were less dominant because of the colours used, size of the text and discrete projections of both the sign and letters.
10. The appeal building has a front projection to the ground floor which has been largely screened by the advertisement. The sign has been awkwardly attached to the principal elevation of the building with fifteen prominent supporting arms which results in the sign appearing disjointed to the appeal building. That contrasts awkwardly with the established pattern of shopfront adverts which are generally flush with the outer façade of the building. The sign also includes projecting letters and the colour of the letters adds to its prominence.
11. The appellant's submission includes pictures of the sign illuminated. The pictures show that in the hours of darkness the sign also draws the eye due to its size and pink coloured letters. Accordingly, the scheme is visually intrusive and harms the visual amenity of the area.
12. The appellant recognises that the sign is not fully compliant with the Vibrant Centres Supplementary Planning Document (SPD). He considers that in order to be compliant with the SPD the sign would have to be in three parts which, in his view, would appear dysfunctional. It is difficult to assess whether an alternative arrangement could be configured given that the existing signage has covered over the majority of the original shopfront. However, I note that the adjacent signage (Lees Heginbotham) contains more modest advert which is in two distinct parts to reflect the vertical alignment of the building. Nothing has been presented to demonstrate that a similarly sympathetic frontage could not be achieved at the appeal site.

² Paragraph: 079 Reference ID: 18b-079-20140306

13. I recognise that there are a variety of shop signs in the surrounding area, some of which have a harmful visual impact on account of their size and proportion in relation to their respective shop fronts. However, little information is before me as to how other advertisements gained consent, if at all, or how long they have been in situ. Consequently, whilst I noted a variety of signage in the local area, the presence of some unsympathetic signage should not set a precedent for further harmful additions that would degrade the character of the area.
14. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
15. The appellant's Heritage Statement found that the scheme does not impact the setting of the Chapel. However, I do not agree with this conclusion. The appeal site is opposite the Chapel. The poor design of the sign results in an intrusive feature that draws the eye and detracts from the ability to appreciate the listed building, particularly in the hours of darkness when the sign is illuminated. Consequently, the scheme fails to preserve the setting of the LB.
16. The harm arising is less than substantial given the other signs within the vicinity of the Chapel, nonetheless it is of considerable importance and weight. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant has not put forward any public benefits within the appeal statement. The proposal therefore causes harm that is not justified or outweighed, as required by the Framework.
17. For the reasons given above, I find that the advertisement harms the visual amenity of the area and the setting of the Grade II listed building. The provisions of the development plan, so far as they are relevant, have been considered. Since the advertisement causes visual harm to the area and the setting of the LB, the scheme does not meet with the aims of Policies 9, 20 and 24 of the Oldham Local Development Framework: Development Plan Document- Joint Core Strategy and Development Management Policies (2011), or paragraph 132 of the Framework.

Conclusion and Recommendation

18. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR