

Appeal Decision

Site visit made on 27 July 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/E2530/Z/20/3252535

13 Dysart Road, Grantham, NG31 6TE

- 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 Smith of Alight Media Limited against the decision of South Kesteven District Council.
 - The application Ref S20/0449 dated 12 March 2020 was refused by notice dated 22 April 2020.
 - The advertisement proposed is described as 'replacement of an existing 48 sheet advertisement display with an illuminated 48 sheet advertisement display'.
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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.

Procedural Matters

3. The Regulations¹, National Planning Policy Framework (the Framework) and National Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. Regulation 3(1) of the Regulations states: A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. Policies DE1 and EN6 of the South Kesteven District Council Local Plan 2011 – 203, adopted January 2020 seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

5. The appeal site comprises the gable end wall of 13 Dysart Road, overlooking the car park at the junction with Sankt Augustin Way. A 48 sheet non-

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

illuminated advertisement display is currently present on the gable wall, along with two smaller advertisements for nearby businesses. The appeal site is located just outside the nearby Grantham Conservation Area (the CA) and the 31 Westgate Grade II Listed Building lies to the east of the site, visible from Dysart Road.

6. Although residential style dwellings are visible from the appeal site, the immediate area is characterised primarily by the surrounding commercial uses. This is most notably due to the presence of the retail park on the opposite side of Dysart Road and the car park directly in front of the appeal site. The proposal relates to the erection of an illuminated advertising display unit in the place of the non-illuminated sign currently present on the gable end at the appeal site. This is an elevated position on a prominent plot at the corner junction of Dysart Road and Sankt Augustin Way. Although the size and positioning of the proposed display would be the same as the current advertisement, the illumination would add to its dominance.
7. Despite the existence of commercial uses in the area, illuminated advertisements are not a prevalent feature. Advertisements visible in this immediate area are generally confined to shopfronts or building logos, are non-illuminated and, with the exception of the lettering on the nearby Next retail store, are modest in nature. The Officer Report notes there is no record of consent having been granted for the existing hoarding but it has been in situ for a number of years and the Council accept that it is an established feature in the area. There is no doubt that the proportions are substantial and the advert dominates the gable end of the modest two storey property to which it is attached. Although the proposal would display static advertisements, the internal illumination would nonetheless add to the prominent nature of the advert and highlight its incongruous nature in the immediate locality.
8. While visibility of the proposal would be limited when travelling west along Dysart Road, views of the sign would be particularly prominent when travelling east due to the orientation of the advert and the open nature of the corner plot location. In that sense, when travelling along Dysart Road the advert is viewed predominantly against the backdrop of the CA, as opposed to the modern retail park, because Dysart Road is one of the key thoroughfares leading to the historic core of the town. From this direction it would be experienced in the context of the nearby Grade II Listed Building at 31 Westgate which is within the CA. Like many prominent corner buildings No.31 is aligned to be viewed from approaching roads and the symmetrical Georgian façade is an attractive and positive feature on the approach into the CA.
9. Whilst the statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, the Listed Building clearly contributes to the character of the area. Consequently, with regard to the effect of the proposal on the amenity of the area, its presence is a material consideration. While the advertisement would not be visible from 31 Westgate, it would form part of the environment in which the Listed Building is experienced. It would represent an overtly modern addition to the streetscape which, by virtue of its size and positioning, would visually compete with the Listed Building and draw attention away from it. This would be harmful to the visual amenity of the area and the setting of the Listed Building.

10. Furthermore, my statutory duty under section 72(1) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the proposal does not overlook the neighbouring CA, from certain vantage points it would be viewed in the context of it. The main defining features of the CA in the locality of the appeal site are the traditional architecture of the residential style dwellings along Dysart Road, and of 31 Westgate. In this context the modern design of the proposal becomes more apparent and would appear an incongruous addition, detracting from the character of these structures. The proposal would therefore cause visual harm to a designated heritage asset on account of the inter-relationship between the site and the immediate character of the CA. The advertisement, by nature of its siting and appearance, would therefore fail to preserve or enhance the character or appearance of the nearby CA.
11. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

Other Matters

12. Reference has been made to other examples of advertisements in the surrounding area and across the country. However, limited information has been provided in this respect. While consistency in decision making is important, this appeal is decided on its own site-specific circumstances, including the specific streetscape in which the advert is situated. Reference to other advertisements nearby does not outweigh the harm identified above.
13. The appellant has listed various benefits of the proposal, due to the digital technology used. These include reduced energy consumption, ease of recycling materials and fewer maintenance visits to the site when compared with more traditional advertising. These benefits are acknowledged, however the environmental benefits of a single sign are likely to be modest and the maintenance issues are largely a private benefit for the company concerned. Those matters are not sufficient to outweigh the harm identified above.

Conclusion and recommendation

14. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

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

C Preston

INSPECTOR