
Appeal Decision

Site visit made on 7 September 2020 by AJ Sutton BA Hons DipTP MRTPI

by Andrew Owen BA Hons MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/W1850/Z/20/3254385

Corner off Springfield Road and the C1131 Withies Road, Springfield Road, Withington, Hereford, HR1 3RU

- 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 Nirmal Suman against the decision of Herefordshire Council.
 - The application Ref 200200, dated 23 January 2020, was refused by notice dated 22 April 2020.
 - The advertisement is described as 'an advertising banner placed on a privately owned boundary wall on entrance house of Springfield Road'.
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Decision

1. The appeal is allowed, and express consent is granted for the display of an advertising banner placed on a privately owned boundary wall on entrance house of Springfield Road, Corner off Springfield Road and the C1131 Withies Road, Springfield Road, Withington, Hereford, HR1 3RU, in accordance with the terms of application Ref 200200, dated 23 January 2020, and submitted plans and images. The consent is for five years from the date of this decision and subject to the standard conditions in Schedule 2 of the Regulations.

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 advertisement was in situ at the time the site visit was conducted. However, it had fallen from its position shown on submitted images, and only the reverse of the banner was visible at the time of the site visit.
4. I note the advance sign advertises for the appellant's business situated in locations off the A4103, which are subject of a separate appeal. Therefore, this recommendation is limited to the submitted information for this particular case.

Main Issue

5. The main issue is the effect of the advertisement on the visual amenity of the street.

Reasons for Recommendation

6. The appeal site is the boundary wall of a dwelling on a corner plot at the junction of Springfield Road and Withies Road. Springfield Road forms the access to a small modern housing estate within the rural settlement of Withington. The village has limited local services and does not appear to have a distinct commercial centre.
7. The advertisement is an advance sign providing directions to the appellant's business premises, a fish and chips takeaway shop. Whilst the shop has fascia signs not uncommon to such premises, it is somewhat tucked away within the residential estate and not clearly visible beyond Springfield Road.
8. The advert is a modestly sized PVC sheet style banner. Submitted images show it attached to the brick wall and essentially framed by the structure of the street sign.
9. Powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors.
10. The Council has not raised any concerns regarding public safety, and I observed nothing to dispute this conclusion.
11. Amenity is not defined exhaustively in Regulations. It includes aural and visual amenity. Factors relevant to amenity include the general characteristic of the locality, including the presence of any features of historic, architectural, cultural or similar interest. Given the nature of the advert only visual amenity is at issue in this case.
12. The character of the appeal site and surrounding area is residential within a semi-rural setting. Whilst the advert introduces a commercial feature to this setting, its visual affect is limited by its modest proportions, simple form and unobtrusive position below the street sign, confined within the metal sign support. As such, it does not have a harmful effect on the character of the area.
13. I observed no other similar adverts within the immediate vicinity of the appeal site at the time of the site visit. Therefore, the advert does not contribute to a cluttering affect in the street scene. Furthermore, the advert when viewed in combination with the street sign does not appear particularly cluttered, given its size and low-key style.
14. Overall, by virtue of its size, style and position the advert does not have a harmful effect on the visual amenity of the street.

Other Matters

15. There is reference to a covenant with a clause preventing adverts on roadside boundaries. However, there is nothing before me to clarify this matter. I note also concerns regarding parking, traffic congestion, access to the takeaway and anti-social behaviour of some patrons of the premises. As previously stated, advertising should be subject to control only in the interest of amenity and public safety and therefore these matters fall outside the scope of this recommendation.

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

Conclusion and Recommendation

16. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and concur that the appeal should be allowed.

Andrew Owen

INSPECTOR