



Appeal Decision

Site visit made on 5 October 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/G2245/Z/20/3257648

46 London Road, Sevenoaks, TN13 1AS

- 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 J Singh Jandu (on behalf of Manak Solicitors) against the decision of Sevenoaks District Council.
 - The application Ref 20/01527/ADV, dated 1 June 2020, was refused by notice dated 20 July 2020.
 - The advertisement is described as the installation of 1no. fascia sign, 2no. projecting signs and 1no. side sign.
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Procedural Matters

1. The appellant has indicated within the Grounds of Appeal their intention to revise the appeal scheme in accordance with comments and feedback provided by the Council's Conservation Officer at the application stage. The revisions would entail the removal of the southern hanging sign, the relocation of the side sign at ground floor level in alignment with the small side window, and the proposal of a condition to prohibit the illumination of the main fascia sign. The appellant has indicated that as these signs are already in situ on the appeal premises, no further plans have been provided but it is contended that the revised works could be secured via the imposition of appropriate conditions.
2. I have carefully considered the implications of the proposed revisions in the light of the principles of the judgement in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*. The 'Wheatcroft Judgement' is essentially premised upon whether a development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
3. I have also had regard to the advice set out in the '*Procedural Guide – Planning Appeals – England*'. The Procedural Guide advises that if an amendment to an application proposal would be likely to overcome a reason for refusal, then this should normally be made by a fresh application. The appeal process should not be used to evolve a scheme and what is considered at the appeal should essentially be what was considered at the application stage.
4. In this instance, the proposed revisions are clearly seeking to address the issues of dispute upon which the Council based its decision at the application stage, and specifically the comments of the Council's Conservation Officer as reported in the Application Report. Whilst I recognise that a revised planning, design and statement was submitted during the application to confirm that the main fascia would not be illuminated, if allowed, the effect of the other

revisions would be that the appeal process would have been used as a means to amend the scheme so as to overcome the reason for refusal, and there would be a change to the description of the advertisement as a consequence. Furthermore, given the procedural constraints of an Advertisement Consent Appeal, the Council is not provided with any further opportunity to formally consider the effect of the revisions. On this basis, I am satisfied that it would be prejudicial to the Council to determine the appeal whilst placing a reliance on the revisions.

5. It is therefore my conclusion that, with the exception of the omission of the internal illumination of the fascia sign, the proposed revisions for the advertisements should not be accepted, and they have not therefore formed any part of my assessment of the appeal scheme.

Decision

6. The appeal is dismissed.

Main Issue

7. The National Planning Policy Framework (the Framework) sets out at paragraph 132 that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
8. In this instance, no objection has been raised on the grounds of public safety, and this is a conclusion with which I would agree. However, the Council have highlighted the effect of the proposed advertisement on amenity and that the scheme would neither preserve nor enhance the character or appearance of the Sevenoaks Town Conservation Area within which the appeal site is located.

Reasons

9. The proposed advertisements would be positioned on a white rendered two-storey building currently occupied as a solicitor's offices set within a commercial parade in the town centre. The building is indicated to be locally listed as a non-designated heritage asset and is set within the Sevenoaks Town Conservation Area.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that within Conservation Areas special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. A strict control over the display of outdoor advertisements should therefore be maintained. Garish and inappropriate shop signs, together with ill considered shop frontage lighting are held as negative features within the Sevenoaks High Street Conservation Area Appraisal and Management Plan 2008.
11. The fascia sign is set comfortably within the front elevation of the building and is positioned centrally above the middle bay and partially over the adjacent bays of the commercial frontage. I am satisfied that in terms of its overall scale the fascia sign is not out of character with other signage within the Conservation Area or is inappropriate in its location on the host property. However, as a consequence of the original need to incorporate the internal means of illumination, it projects excessively from the fascia of the appeal property, and the use of Aluminium/Opal Acrylic and Vinyl materials is not

appropriate in this context and detracts from the significance of both the non-designated heritage asset and the Conservation Area.

12. I recognise the sign incorporates the corporate identity of the commercial occupiers, but in this respect the design is comparatively simple and I am satisfied that this aspect of the advertisement does not detract from the historic interest of the appeal property.
13. Turning to the other signage, whilst the design and form of the projecting signs is acceptable in the context of the host building, I agree with the Council that the incorporation of two projecting signs on the principal elevation results in unnecessary clutter which detracts from the significance of the heritage asset.
14. With regards the side sign, I accept that the principle of side signs within the Conservation Area is well-established. Furthermore, the overall size of the sign is comparatively restrained in contrast to other similar or inappropriate signage observed in the Conservation Area. However, I disagree that the flank elevation of this locally listed building benefits from the animation that the sign is contended to provide or that it should appropriately be set at first floor level. In this respect, I agree with the Council that despite the presence of other high-level advertisements within London Road, the high-level location of the sign is not a positive feature on this locally listed building within the Conservation Area.
15. For the above reasons, the advertisements result in an adverse impact on amenity and neither preserve nor enhance the character or appearance of the Conservation Area, harming its significance, and conflict with Section 72(1) of the Act.
16. The Council has referred to Policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan 2015, and Policy SP1 of the Sevenoaks Core Strategy 2011. Whilst not decisive, I have had regard to these policies in respect of amenity. These policies set out that the Council will support high quality design and development that conserves or enhances the character, appearance and setting of heritage assets. However, for the reasons already set out above, the advertisements result in amenity concerns and would also not accord with the Framework, which seeks to prevent the negative impact of poor advertisements.

Conclusion

17. For the above reasons, the appeal is dismissed.

Martin Seaton

INSPECTOR