



Appeal Decision

Site Visit made on 5 January 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/F3545/Z/20/3261358

Unit 3A Newmarket Retail Park, Oaks Drive , Newmarket , CB8 7SX

- 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 Ken Jones and Iceland Foods Ltd against the decision of West Suffolk Council.
 - The application Ref DC/20/1033/ADV, dated 23 June 2020, was refused by notice dated 27 August 2020.
 - The advertisement proposed is high level sign to new freestanding gantry.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the proposed sign was in place.

Main Issue

3. The control of advertisements is exercisable only with respect to amenity and public safety. The main issue is the effect of the proposed advertisement on amenity.

Reasons

4. The appeal site is a large retail store located within a retail park on the northern side of Newmarket. It is an end unit sharing a larger building with two other retailers. The building has a mansard roof, which is a prominent feature of the building. Each of the retail units has a frontage differing in detail from the others at ground level. However each of the other two units incorporates advertisements on the ground floor frontage. The main advertisement for each of the other units sharing the building is located between the upper parts of columns incorporated into their shop front and the top of the signage abuts the lower edge of the mansard roof. Where there is subsidiary signage this is located within the bays between the columns and lies below the bottom edge of the mansard roof.
5. To the north of the building within which the site lies is a large retail building incorporating similar design features to that of the building within which the appeal site lies, including a mansard roof, columns and arrangement of advertising signage. Whilst the bays between columns on the frontage of these two buildings exhibit differing infill materials and design detailing, they exhibit

- a degree of consistency in location of advertising that relates well to the overall design of the buildings.
6. To the south of the appeal site lies a building of significantly different appearance. This has a flat roof and a deeper area of cladding on the upper part of its façade. This building has a large advertisement set forward on a gantry. Subsidiary advertising is present, including some located on the cladding.
 7. The southern building has a separate identity and the consistency in appearance of the advertising on the northern buildings is not undermined by the existence of the southern building.
 8. To the front of the unit is a large carpark, which the advertising sign that is the subject of this appeal faces onto and this relatively open space provides views of the frontage of the retail units from the wider area.
 9. The appeal sign is large and located on a gantry in front of the retail unit in a prominent position, with the bottom of the sign level with the lower edge of the mansard roof. The introduction of such a sign in this location is higher and, given its location in front of the mansard roof, over-dominant and out-of-keeping with the signage on the rest of the building and that on its neighbour to the north.
 10. Whilst the building to the south has a large sign on a gantry, the positioning of this relates to the design of that particular building. The position of the sign is lower than that of the appeal sign and does not dominate the building to the same degree.
 11. Notwithstanding that the advertisement is of a design that is not uncommon on trading estates, the overly dominant nature of the advertisement and its incongruity with the signage layout on the rest of the building and that of its immediate neighbour to the north would, in this case, constitute material harm to the character and appearance of the building and the immediate area.
 12. My attention has been drawn to other advertising signs situated in the wider area which have been granted consent by the Council and which the appellants consider to be comparable to the proposal which is before me. These sites do not form part of the immediate context of the appeal site, but are located some distance away and so I attach them limited weight. I have, in any case, determined this appeal on its own merits.
 13. For the reasons outlined above, I conclude that the advertisement would result in unacceptable harm to the character and appearance of the site and the surrounding area and hence to amenity. I have taken into account Policies DM2 and DM38 of the West Suffolk Joint Development Management Policies Document -2015- (the DMPD) which require, amongst other things, that proposals for all development (including the display of advertisements) should, as appropriate, recognise and address the key features and characteristics of the area and building and maintain a sense of place and local character.
 14. Similarly I have taken into account Policy CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-

2026 (with housing projected to 2031) -2010- (the Core Strategy) which states that all new development should be designed to a high quality and reinforce local distinctiveness and that design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. CS5 further requires that regard should be taken of any local design guidance adopted by the Council. This includes the West Suffolk Shopfront and Advertisement Design Guidance - 2015- which provides advice on how to achieve the aims of the policies within the development plan.

15. The DMPD and the Core Strategy pre-date the National Planning Policy Framework -2019- (the Framework). However, Policies DM2 and DM38 of the DMPD and Policy CS5 of the Core Strategy are closely in accord with those aims of the Framework which seek to encourage good design and achieve well-designed places. These policies can, therefore, be accorded significant weight.
16. Whilst the proposal would be contrary to these policies the Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Other Matters

17. The frontage of the retail unit on the appeal site has recently been altered to incorporate increased glazing, maximising natural light to the building. The appeal signage location would retain the benefits of that increased access to natural light. Whilst it is argued that a lower sign would reduce this benefit and have an adverse impact upon the appearance of the shopfront, there is no substantive evidence before me to demonstrate this.
18. It has further been brought to my attention that, historically, there has been a different shopfront treatment on the frontage of the store. Whilst this may have been the case it does not justify the harm to the wider area that I have identified above. As stated above, I have, in any case, determined this appeal on its own merits.

Conclusion

19. I conclude that the advertisement results in an unacceptable impact on the amenity of the site context. Accordingly, for the reasons given above, the appeal is dismissed.

I Dyer

INSPECTOR