
Appeal Decision

Site visit made on 25 January 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/B1605/Z/20/3262211

452 Lower High Street, Cheltenham, GL50 3JA

- 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 Alight Media (C/O Paul Thacker) against the decision of Cheltenham Borough Council.
 - The application Ref 20/01442/ADV, dated 20 August 2020, was refused by notice dated 22 October 2020.
 - The advertisement proposed is described as "replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital 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.

Preliminary Matters

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, 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. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

4. The Council has raised no objection in respect of public safety subject to conditions and I observed nothing which would lead me to dispute this conclusion. Accordingly, the main issue in this case is the effect of the advertisement on the visual amenity of the area.

Reasons for Recommendation

5. The appeal site is the gable end of a row of properties located at the edge of the town centre. The immediate area is characterised by a mix of small commercial and residential properties. It falls within the Lower High Street Character Area of the Cheltenham Central Conservation Area.

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

6. Whilst amenity is not defined exhaustively in relevant Regulations, it does indicate that relevant factors include the general characteristic of the locality, including the presence of any features of historic, architectural, cultural or similar interest. The Planning Practice Guidance states that 'in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features'.
7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (Framework) highlights that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. The Lower High Street character area comprises a mix of retail, light commercial and residential land uses with its special historic value dating from the Medieval period when the High Street was the only street in Cheltenham. Wider roads in this part of the Conservation Area, such as the High Street, are predominantly commercial and are busy in terms of pedestrians and vehicular traffic which contribute to its vitality. Specialist retail uses help establish the unique character and special quality of the area. This quality is reflected in the row of properties of which the appeal site forms the end.
9. Views of the advertisement would be somewhat limited given the appeal site's recessed position and would be partially screened by the bridge, preventing distant views. However, it would be located in a prominent location at the gateway to the town centre and the historic core of the Town, where it would be viewed in the particular commercial context where advertisements are generally limited to fascia signs associated with small shop/business fronts. As such the proposal would introduce a type of advertisement that would be uncharacteristic in this part of the Conservation Area.
10. Whilst an advertisement of this scale may have been in place for some time, the proposal before me would be distinctly different in terms of the digital features. This would result in an incongruous form of advertising which would appear as a harmful and dominating feature in the street scene. As such it would fail to preserve the character or appearance of the Conservation Area. The attachment of conditions would not address the harm identified.
11. It is therefore concluded that the proposed advertisement would be poorly sited and designed for this location and would have a harmful effect on the visual amenity of the area. Although not determinative it would be inconsistent with Policies D1 and HE3 of the Cheltenham Plan 2020 and Policies SD4 and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, which state advertisements in conservation areas will be supported providing that they are appropriate in type, size, colour, illumination and siting and respect the character of the building, site and surrounding area.

Other Matters

12. The advert opposite was set against the railway bridge and therefore viewed in a different context from that of the appeal site. Furthermore, evidence confirms

it was not a digital display and has not been in situ for some years. Therefore, I attach limited weight to this matter in this case.

13. The examples of other advertisements drawn to my attention are within different character areas of the Conservation Area and did not appear to be of a digital type. The Stockport decision relates to a proposal in a town which is likely to have a distinctly different character to Cheltenham. As such these examples are not comparable to this proposal and I attach limited weight to them in reaching this recommendation.
14. Benefits arising from advertisement upgrades including to the economy, technological innovation, efficiency gains and waste reductions are all matters outside the scope of the Regulations and have not been determinative in this case.

Conclusion and Recommendation

15. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR