



Appeal Decision

Site Visit made on 9 August 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/G3110/Z/21/3275233

310 Dental, 310 London Road, Headington, Oxford OX3 8DJ

- 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 Dr Saeid Haghri of SHR Company Limited against the decision of Oxford City Council.
 - The application Ref 21/00112/ADV, dated 15 January 2021, was refused by notice dated 23 March 2021.
 - The advertisement proposed is a dental clinic advertisement panel.
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Decision

1. The appeal is allowed and express consent is granted for the display of a dental clinic advertisement panel as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. This appeal follows refusal of a retrospective application for the same advertisement panel, which is currently sited higher than now proposed. As a result, I was able to see the substantive body of the sign on my site visit. The appeal application proposes to reduce the height of the existing advertisement, in an effort to overcome the Council's reason for refusal in the earlier application.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I do not consider that the updates to the Framework materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version and am satisfied that this approach will not prejudice the parties.

Main Issue

4. The main issue is the effect of the proposal on amenity.

Reasons

5. The appeal site comprises one half of a semi-detached property, which operates as a dental clinic. Whilst the closest neighbouring properties are residential in nature (including the adjoining semi-detached dwelling), there are several other commercial premises in close proximity. Properties also front on to the A40 Bypass (Bypass), which means there is heavy passing traffic

throughout the day, which contributes to the semi-commercial nature of the area. The area is therefore mixed in character.

6. The appeal site already includes a number of signs which help advertise the clinic's services. One of these is attached to the front elevation of the dental practice, and there is another which sits just above the low boundary fence which separates the appeal site from the road. The existing signage means the appeal site already has a clear commercial appearance. The advert would replace the sign along the front boundary, and whilst it would be wider, it would be positioned at approximately the same height as the existing sign. Given the existing signage already on the appeal site, the proposal would not be a new or unique feature, and the prevailing commercial character of the appeal site would therefore remain the same.
7. The height of the proposed advert would be broadly consistent with the height of the front boundary fence next door. This means it would integrate with the joined frontage of the two properties without appearing overly prominent. Its proposed aluminium surround would be over boarded with wood/wood effect, which would help soften its appearance, allowing it to assimilate properly with the proposed surrounding boxed hedgerow. The main body of the sign would be predominantly white, much like the one currently in situ, and its blue and red text would enable it to be easily read without appearing overly brash or garish. Whilst the sign would invariably be commercial in appearance, this would be in-keeping with the intrinsic commercial nature of the appeal site. Moreover, these sympathetic design features would allow the sign to assimilate properly with the mixed character of the street scene, without appearing dominant or visually obtrusive.
8. Whilst the closest neighbouring properties are residential, there are only 3 dwellings separating the appeal site from commercial premises further along the road, including a phone shop and a fast-food restaurant. Both of these premises include substantial signage and advertisements along their frontages, which contribute to the mixed character of the area. Notwithstanding the nearby residential dwellings, the proposed sign would therefore comfortably assimilate with the mixed character of the wider street scene, without appearing unduly prominent or incongruous.
9. For these reasons, I consider that the proposed advert would not harm the visual amenity of the area. Whilst development plan policies are not determinative in my assessment of the proposal, they are nonetheless material to the consideration of the main issue. I have therefore taken account of Policies DH1 and DH6 of the Oxford Local 2036 (adopted 2020), which seek to ensure new adverts achieve a high-quality design, where their design, positioning, materials, proportions and illumination do not cause detriment to the visual amenity of the area.

Other Matters

10. The application plans are clear that the sign will not be illuminated. Irrespective, on the basis that the power cable, illumination tubes and wiring have all been removed from the sign, its potential to be illuminated has been adequately diminished. As such, this factor only carries limited weight in my decision.

11. Whilst I acknowledge planting should not generally be used as a mechanism to overcome visual harm that would otherwise arise from development, for the reasons I have outlined above, I do not consider that the proposal would cause visual harm in this instance.

Conclusion

12. For the reasons given I conclude that the appeal should succeed.

James Blackwell

INSPECTOR