



Appeal Decisions

Site Visit made on 23 September 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal A Ref: APP/V4250/H/21/3272677

48 King Street, Wigan, WN1 1BT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by Steins Wigan Limited against Wigan Metropolitan Borough Council.
- The application Ref A/20/90329/ADV is dated 25 September 2020.
- The advertisement proposed is a circular fascia sign.

Appeal B Ref: APP/V4250/H/21/3272775

46 King Street, Wigan, WN1 1BT

- 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 Steins Wigan Limited against the decision of Wigan Metropolitan Borough Council.
- The application Ref A/20/90312/ADV, dated 9 October 2020, was refused by notice dated 29 March 2020.
- The advertisement was originally described as a flush fascia sign.

Decision

1. Appeal A is dismissed and express consent is refused.
2. Appeal B is allowed and express consent is granted for the display of an internally illuminated fascia sign 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.

Procedural Matters

3. Although it did not determine application A/20/90329/ADV (Appeal A) within the required period, the Council's appeal statement contains an assessment of the proposal and an indication of the grounds on which it would have refused the application. I have taken the main issue below, which is the same for Appeal A and Appeal B, from the evidence provided.
4. In the decision relating to Appeal B, I have used the description of the advertisement which appears on the Council's decision notice and appellant's appeal statement, as this more accurately describes the sign than that used in the application form.

5. The sign which is the subject of Appeal B is already in place, so I have assessed that proposal retrospectively. The Appeal A sign, which was previously installed on the building, has now been removed.

Main Issue

6. For both appeals, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

7. The appeal site is within the Wigan Town Centre Conservation Area (CA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
8. King Street falls within the CA for much of its length, and contains a number of listed buildings. Properties along this narrow street display a variety of architectural styles, with a number of grand and attractive buildings dating back to the development of the area in the late eighteenth and nineteenth century. The area's early focus as a centre for entertainment and commerce is clearly reflected in the style of some of the buildings.
9. The street remains a centre for leisure and entertainment, with numerous pubs and bars. However, there has been a lack of investment in the area in recent years, and some of the buildings are vacant. Insensitive alterations, including signage, have resulted in a deterioration in the appearance and historic fabric of the area.
10. The regeneration of King Street forms an important part of the Wigan Town Centre Strategic Regeneration Framework. The King Street Masterplan 2020 (KSM), which forms interim planning guidance, sets out proposals to improve and enhance the area. Although it does not include specific guidance on advertisements, the KSM is relevant in the consideration of the effect of the appeal proposals on the visual amenity of this area.
11. The appeal property, 46-48 King Street, is a modern infill development which reflects surrounding properties in terms of scale and mass, but lacks the architectural quality of other buildings in the street. The building does not make a positive contribution to the CA, and is identified in the KSM as a candidate for replacement. Notwithstanding this, the property occupies a prominent position in the centre of the street, with a number of high quality buildings in the vicinity, including the listed former Royal Court Theatre, which is immediately adjacent to 48 King Street.

Appeal A

12. In its design, the internally illuminated circular fascia sign proposed in Appeal A is clearly intended to attract potential customers to the Party Haus bar, and the colours would reflect the bright red and blue paintwork on this part of the host building. However, the brightly coloured imagery would make the sign appear gaudy and overly flamboyant. Garish signage and illuminations are highlighted within the KSM as features which detract from the area. In this case, owing to its design, the proposed sign would appear as an incongruous and inharmonious feature in the streetscene which would fail to respect the

surrounding historic buildings, including the immediately adjacent listed former theatre.

13. External lighting is an important feature of this street, which is now dominated by uses associated with the night-time economy, but in order to respect the historic character of the CA, the lighting of advertisements needs to be sensitive and unobtrusive. In the case of Appeal A, both the images and lettering would be lit, meaning that a significant proportion of the sign would be illuminated. Although the sign would be of an appropriate scale in relation to its position on the building, it would nonetheless be a sizeable feature, and the extent of its illumination would result in the sign appearing overly prominent in the streetscene, even though the level of luminance would not be excessive. The nature of the sign's illumination would further exacerbate its garish appearance, with associated harm to visual amenity and the character of the CA.
14. There is a variety of signage in the surrounding area, some of which is not of a high quality. However, unlike the signage proposed in Appeal A, many signs in the area successfully respect the historic environment whilst appearing attractive and well suited to the entertainment uses in the area. Examples of poor quality signage certainly exist, but some of these do not have advertisement consent and are the subject of enforcement investigations. In any event, such examples do not justify the appeal proposal, which owing to its design and form of illumination, would fail to preserve the character and appearance of the CA.
15. Appeal A would be acceptable in terms of public safety, but I have found that the proposed sign would cause harm to the visual amenity of the area.
16. In accordance with the relevant Regulations, I have taken into account the provisions of the development plan so far as they are material. The proposal conflicts with paragraph (e) (i) of Saved Policy EV4A of the Unitary Development Plan 2006 (UDP), which sets out detailed guidance on signage in conservation areas, including the need for discrete and unobtrusive lighting, and is material in this case. There is also conflict with the Advertisement Design Guide SPG, and the Policies CP10 and CP11 of the Local Plan Core Strategy 2013 (Local Plan), which seek to protect the visual amenity of the area and the historic environment, so are also relevant.

Appeal B

17. The advertisement proposed to be retained in Appeal B also takes the form of an internally illuminated box style sign, but is very different in appearance than the Party Haus sign at 48 King Street. The rectangular sign is of an appropriate size and position above the bar entrance, and owing to its slim form, the projection from the host building is minimal. The design of the sign, with white lettering on a solid burgundy background, is far more subdued than that proposed in Appeal A, and better respects the colour of the materials found in the surrounding historic buildings.
18. The size and style of lettering is appropriate in relation to the appeal property and wider area. Although the sign is internally illuminated, the level of luminance is not excessive, and only the individual letters of the Morty's sign are lit, limiting its prominence at night. Whilst the sign could be of a higher quality, with greater differentiation in its texture, it does not appear

incongruous in relation to the host building or the wider area, and its effect on the character and appearance of the CA is neutral.

19. I conclude that Appeal B does not cause undue harm to the visual amenity of the area. No harm would be caused to public safety. The signage broadly conforms with the detailed guidance contained in Saved UDP Policy EV4A, and is consistent with the requirements of Local Plan Policies CP10 and CP11.

Conditions

20. The Council has not suggested any additional conditions and I agree that none are necessary.

Conclusion

21. For the reasons set out, Appeal B is allowed but Appeal A is dismissed.

R Morgan

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/V4250/H/21/3272677	Steins Wigan Limited
Appeal B	APP/V4250/H/21/3272775	Steins Wigan Limited