



Appeal Decision

Site visit made on 22 November 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Appeal Ref: APP/C2741/Z/20/3263517

Germany Beck Site, East of Fordlands Road, York, North Yorkshire

Easting 461335 Northing 448850

- 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 Persimmon Homes Limited against the decision of City of York Council.
 - The application Ref 20/01011/ADV, dated 5 June 2020, was refused by notice dated 5 October 2020.
 - The advertisement proposed is described as '1 main V-stack sign, 11 leader boards, 2 fascia signs, 8 flags, cut lettering and a temporary banner'.
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Decision

1. That part of the appeal that relates to the 1 main V-stack sign advertisement is dismissed. That part of the appeal that relates to 11 leader boards, 2 fascia signs, 8 flags, cut lettering and a temporary banner as applied for is allowed and express consent is granted for their display, in accordance with the terms of the application Ref 20/01011/ADV, dated 5 June 2020. 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. The Council and the appellant agreed to amend the original description of the proposal during the course of the application. Whilst not matching the description on the application form, I am satisfied that it most accurately describes the proposals to which this appeal relates. Accordingly, I use the same amended description in my consideration of this appeal.
3. The appeal is retrospective, the advertisements having been erected.
4. The City of York Development Control Local Plan 2005 (LP), although not formally adopted as a statutory plan, has been adopted by the Council for development control purposes. The emerging City of York Publication Draft Local Plan 2018 (ELP) has been submitted for examination and is progressing towards adoption. Whilst these policies are material considerations, powers under the Regulations require decisions to be made only in the interests of amenity and public safety. As such, they are not a determining factor in this advertisement consent appeal, which I have considered in the light of the Regulations and paragraph 136 of the Framework.

Main Issue

5. The Council does not object to the effects of the proposals on road safety or otherwise as regards safety more broadly, and there is nothing to lead me to a different conclusion in that respect based on the evidence before me. The main issue is therefore the effect of the advertisements on the visual amenity of the area and the character and appearance of the Fulford Village Conservation Area.

Reasons

6. The appeal relates to advertisements associated with a residential development site which is accessed via a new highway junction with the A19. Construction is currently on-going for over 650 new homes on the site and the signage supports the sale of these new homes. The main area of dispute between the parties relates to the siting and scale of the V-stack sign located at the junction of the A19 and Thornton Road, and the number, size and location of the signs positioned along the access road.
7. The three advertisements located close to the new junction with the A19 are within the Fulford Village Conservation Area (the CA). This part of the CA is predominantly residential in character and includes a variety of built forms of different styles and periods, ranging from cottages to more substantial dwellings set within large plots. The significance of the CA derives partly from its many historic buildings, the linear village character of Main Street and gradually unfolding views along it. I understand that the boundary of the CA was extended in 2008 to include areas to the south of the village. Whilst this part of the CA now includes the new site access junction, it nevertheless forms part of the distinctive entrance into the village.
8. The remainder of the signs are positioned along both sides of Thornton Road leading towards the development site and within the main sales area. Thornton Road is bounded by large grassed areas on both sides for much of its length, which provide an open, semi-rural character to this part of the site.
9. The V-stack sign, the price per week board and one of the leader boards are located within the southern part of the CA. These are post mounted, free standing signs constructed from aluminium and feature a colour scheme of white, light green and dark green. The price per week board and leader board are modest in size and do not significantly detract from the visual amenity of the area or the character and appearance of the CA.
10. However, the double sided V-stack sign is a tall and imposing feature. The V-stack sign is largely screened from the north by the adjacent cottages. However, it is highly prominent when viewed from the south at the entrance to the village. Viewed partly against the backdrop of the adjacent cottages to the north, it appears as a dominant and incongruous feature which detracts from the distinctive entrance to the village and the character and appearance of the CA.
11. I recognise the benefits of the residential development and that there is a need for directional signs for marketing purposes. Indeed, it is not unusual for housebuilders to desire directional signs. However, for the reasons set out above the V-stack sign in this case is visually obtrusive and consequently is not appropriate in this location. Furthermore, I am not convinced that an

advertisement of this size is essential to perform its function. The requirement for the sign for a temporary period only would not justify the harm I have identified.

12. The advertisements along the access road leading into the development site comprise a variety of post mounted leader boards and a number of flags, which are clearly visible from the access road and a public right of way. Given that the leader boards are relatively small scale and generally well spaced out along the access road, they do not have any significant effect on openness. These advertisements are positioned some distance away from the A19 and are not prominent in views from the CA. I consider that these signs are not harmful to the character and appearance of the CA or the visual amenity of the area generally.
13. Closer to the sales area there is a cluster of double sided boards, a community engagement board and flags, which result in a cluttered appearance. However, these are seen largely against the backdrop of the new homes and sales area and therefore do not appear out of place in that context. The Council have not raised concerns with the advertisements located on the marketing suite cabins and show homes, and I have no reason to disagree with that assessment.
14. For the above reasons, I conclude that the V-stack sign has a harmful effect on the visual amenity of the area and fails to preserve or enhance the character or appearance of the CA. There is conflict with paragraph 136 and Section 16 of the Framework, which jointly seek to prevent poorly sited and designed advertisements and promote the conservation and enhancement of the historic environment. This advertisement would also conflict with Policies HE8 and GP21 of the LP and Policy D13 of the ELP, which, amongst other things, require that advertisements are of a design and scale that respects the character and appearance of an area, including those situated within conservation areas. The evidence suggests that the examination into the ELP has not concluded. Whilst this limits the weight I give to the emerging policy, it does not negate the weight I give to the identified harm.
15. In light of my findings above, I conclude that the remainder of the signs do not result in significant harm to the visual amenity of the area or the character and appearance of the CA. Accordingly, these do not conflict with the aims of the Framework, Policies HE8 and GP21 of the LP or Policy D13 of the ELP.

Other Matters

16. I understand that the access road beyond Fordlands Road is within the Green Belt. However, since the Regulations state that advertisements are subject to control only in the interests of amenity and public safety, policies in the development plan and the Framework that relate to the protection of the Green Belt are not relevant to this appeal decision.
17. I note that the Parish Council requests that the signs within the car parking facility to the nature park should be removed and that the approved landscaping to the north part of the car park be implemented. However, I have found that these signs are not harmful to the visual amenity of the area. The implementation of an approved landscaping scheme falls to be pursued, if necessary, outside the appeal process.

18. I note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the merits of the case.

Conditions

19. I attach a condition specifying the period for which express consent is granted, for certainty. I concur with the Council's view that, other than the five standard conditions set out in the 2007 Regulations, no further conditions are necessary.

Conclusion

20. For the reasons given, and having regard to all other matters raised, I dismiss the appeal insofar as it relates to the main V-stack sign, and I allow the appeal insofar as it relates to all of the other signs applied for, for a period of five years.

Mark Ollerenshaw

INSPECTOR