

Appeal Decision

Site visit made on 25 January 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/B1740/Z/21/3288691

Hubert Lodge, 2 South Street, Hythe SO45 6GS

- 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 Churchill Retirement Living against the decision of New Forest District Council.
 - The application Ref 21/11235, dated 27 August 2021, was refused by notice dated 19 October 2021.
 - The advertisement proposed is erection of 2 No Flags.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisements upon the amenity of the area.

Reasons

3. The National Planning Practice Guidance (the Framework) sets out that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. It also notes that quality and character of places can suffer when advertisements are poorly sited and designed.
4. The advertisements proposed include 2 flags of 2.5 m by 1 m wide, on 7 m high flagpoles, one fronting onto St John's Street and the other fronting onto South Street. It is intended that the flagpoles are displayed until around August 2024, by which time the marketing period for the remainder of unsold units is anticipated to be complete.
5. Advertisement consent has recently been granted for the display of a range of adverts relating to the marketing of the apartments, the most visible of which are the large monolith boards and the advert affixed to the railings, though it is unclear whether all others permitted have been erected and displayed. There is also a large fabric banner extending the width of one of the side elevations which providing further marketing details.
6. The appeal site lies adjacent to and partly within the Hythe Conservation Area (CA). The advertisements are intended to be displayed on a recently constructed retirement housing complex which has been designed to appear as a range of traditional adjoined buildings to reflect the character and appearance of the surrounding CA. The CA's special qualities and significance derive from the intimate village feel that it maintains owing to the smallness of

scale of its C18 and early C19 buildings and the largely unaltered road alignments from its early development as a waterside settlement. Despite some notable buildings of the C19 that are exceptions to this general rule, the traditional buildings largely appear domestic, even if used for commercial purposes, and are generally small scale of around 2 storeys in height and 2 to 3 bays wide, incorporating a range of architectural features and materials of the time.

7. The listed buildings opposite the site, all Grade II, including Nos 1 and 3 Shore Road, 37 and 39 St John's Street, are listed in part for their group value as an irregular terrace on a curving road front. All are either C18 or early C19, and are a combination of either Flemish bond brick construction with centred front door and sash windows, or rough cast rendered, with canted bays or C20 sash windows. As a group, they contribute to maintaining the intimate, historic and picturesque qualities of the streetscene.
8. Under respective Sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990 (LBCCA), I am required to have special regard to the desirability of preserving any listed building or its setting and also pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area. The Framework also requires that any harm to, or loss of, the significance of a designated heritage asset (which includes conservation areas), from its alteration or destruction, or from development within its setting, should require clear and convincing justification.
9. The proposed flags, mounted on flagpoles, would be highly visible and incongruous features within the streetscene. Due to the way in which the road layout navigates past the appeal site, passers-by would see the flagpoles sequentially, one after the other, but each would also be able to be seen in combination with a number of other advertisements. The appellant accepts that the flags would be prominent as that is how they assist with the acceleration in market sales, citing that on-site signage is important to facilitate sales of units which generally involve residents from within the local area of the proposed development.
10. The fact is that the building already has permission for a range of acceptable on-site signage, which in combination with the evident newness of the building help to indicate that there are around 50% of remaining apartments available. The flags, as detailed in the proposed plans, would add further visual clutter and appear 'gimmicky', detracting from the subtlety and high quality appearance of the building within its historic streetscene context, even if only for a specified temporary period that could be limited by condition.
11. For the reasons that the flags would add unnecessary, incongruous visual clutter within the streetscene, the proposal would be harmful to the settings of the listed buildings, and thus would fail to accord with Section 66(1) of the LBCCA. Similarly, the proposal would fail to preserve the CA and its setting, and despite the alleged unfortunate difficulties with selling apartments owing to the effects of the Pandemic, would not be clearly or convincingly justified, even if temporary. Thus, the proposal would also fail to accord with Section 72(1) of the LBCCA and the Framework in this regard.
12. The need to increase the prominence of the building within the streetscene to pursue a more proactive sales campaign is not sufficiently convincing justification to outweigh this identified harm.

13. I also conclude that the proposal would be harmful to the visual amenity of the area, thus, in conflict with Policy ENV3 of the LPP1¹, Policies D1 and D3 of the Hythe and Dibden NDP² and Policy DM1 of the LPP2³. Amongst other things, these Policies seek to achieve exemplary standards of design and architecture, that recognises local character and distinctiveness and also conserves and seeks to enhance the historic environment and heritage assets, with particular regard to local character, setting and the significance of heritage assets.

Other Matters

14. I note that the proposal would not be prejudicial to public safety or the safety of users of the highway.

Conclusion

15. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

¹ New Forest District Council Local Plan Part One: Planning Strategy 2016 – 2036 (adopted 2020)

² Hythe and Dibden Neighbourhood Development Plan (2019)

³ New Forest District Council Local Plan Part 2: Sites and Development Management Adopted (2014)