



Appeal Decision

Site visit made on 11 January 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/J3720/H/21/3282329

Approved drive thru, land adjacent to the Rosebird Centre, Shipston Road Stratford-Upon-Avon CV37 8LU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Signs) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent.
 - The appeal is made by Costa Ltd against Stratford-on-Avon District Council.
 - The application Ref 21/01895/ADV is dated 8 June 2021.
 - The development proposed is *x1 height barrier, x2 key seller sign, x1 triple menu sign, x1 banner frame, x1 10m pole sign, x1 waiting bay sign, x1 parking sign, x1 no entry sign, x1 'Drive Carefully' sign, x1 pick me up letters, x1 'Great Coffee Starts Here' letters on bin store, and x3 building signs.*
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal is against the non-determination of the application referenced above. The Council have provided putative reasons for refusal had the application been determined and I have dealt with the appeal on that basis.
3. The Council draws my attention to signs on the appeal site which have been granted consent since the appeal was made. I have no details about the design or location of these signs to know what the Council has granted consent for. This appeal, therefore, relates solely to the signs applied for and mentioned above.
4. I have dealt with another appeal (Ref: APP/J3720/H/21/3285691) on this site. That appeal is the subject of a separate decision.

Main Issue

5. It is not disputed that the signs would not have a material adverse effect on public safety. Therefore, the main issue in this appeal is the effect of the signs on the visual amenity of the area.

Reasons

6. The signs proposed would occupy and relate to an approved coffee shop which has yet to be built. The appeal site is within a retail area that exhibits a visual quality that stands apart from the banal appearance of retail parks more generally. This is, in part, due to the subservient design and scale of the signs and their respectful position on buildings and within the site.

7. Sign 1, proposed on the front and rear elevations, would be subservient in scale when compared with the size of the host building and would not appear immeasurably incongruous within the context of the retail park. However, the sign would project a noticeable distance from the roof and being illuminated, would appear unduly dominant, most noticeably when natural light levels are low.
8. Individually, signs 2, 7 and 6 would appear subservient in scale to the host building and therefore would not appear unduly dominant. However, all three signs would be visible on the north-east elevation of the building and being illuminated would create a visual clutter that would detract from the muted tones of the building. The cumulative effect of these signs therefore, would be harmful to the amenity of the host building and, in turn, the wider area.
9. The visual prominence of the screens for signs 4 and 5 would, cumulatively, appear visually dominant and detract from the more muted and natural colours and materials of the building that would be seen in the background. Together with signs 2, 7 and 6, signs 4 and 5 would lead to an unacceptable level of visual clutter detracting from the visual quality of the retail park overall. I recognise that the Council raised no objection to sign 5 for practical reasons. However, there is nothing in the evidence before me to suggest that a sign of a different form and scale could not meet business needs.
10. Signs 3 and 9 would be a notable distance from the building and therefore in a highly prominent position within the wider retail park. The signs would also be notable in size and form, with their presence reinforced in low light levels due to their illumination. For these reasons, the signs would add notably to the visual clutter within the retail park and therefore would appear out-of-keeping with their surroundings. I readily accept that a vehicle barrier is required and that the Council raised no objection to sign 3 as a result. However, there is no evidence to suggest that a vehicle barrier which incorporates signage is necessary or indeed, that the form and scale of the barrier proposed is the optimum solution.
11. It is not clear where sign 8 would be located or indeed how many of these signs are proposed. I recognise that the Council raised no objection to sign 8 and on face value, given its proportions and subject matter, it would seem unobtrusive. However, I observed on site that there are signs of a similar subject matter within the retail park. Without evidence of where sign 8 would be located and how many of them there would be, I cannot ascertain the full visual effect of sign 8 and be confident, therefore, that it would not have a harmful visual effect on its surroundings.
12. Sign 10 is modest in form and scale and without illumination it would not appear unduly prominent. However, it would be seen in the context of sign 9, which collectively, would create visual clutter. I recognise the importance of delineating a waiting bay, however, I am not aware that other, less visually intrusive methods have been explored to no avail.
13. Sign 11 would be located close to the existing roundabout. Here, the site contributes positively to the wider open and verdant character of the area. Signs and lampposts add some visual clutter but they do not dominate views and therefore detract from the open character described. Given the size of sign 11, its prominent location and its bold design and colour the proposal

would appear unduly dominant within a context of more natural and visually muted colour tones. The sign, therefore, would appear incongruous.

14. Sign 13, proposed in two locations, would in part, mimic the lampposts nearby. However, the illuminated aluminium panel would appear unduly dominant owing to its bold design and notable height. I have had regard to the appellant's need to direct customers from the road into the retail park. However, this matter does not outweigh or justify the harm to amenity that would arise from the signs proposed in this case.
15. The appellant asserts that this form of signage has been used at other sites. However, there is nothing before me to suggest that a sign of this size and form is necessary to fulfil its purpose. Furthermore, each sign must be considered in its own context. So, unless site contexts are the same, a sign permitted elsewhere does not set a precedent, hence the need to assess a case on its own merits.
16. The appellant suggests that, apart from signs 11 and 13, the signs would only be seen from within the site and therefore there would be no visual harm. However, as discussed, the retail park has a visual quality that is discernible and therefore to be respected. I have found that the signs proposed would not do this.
17. The National Planning Policy Framework (2021) at paragraph 136, along with the guidance in the Planning Practice Guidance makes it clear that poorly sited and designed advertisements can have a harmful effect on the quality and character of places. Irrespective of the appeal site not being subject to heritage constraints, I have found harm in this regard.
18. The Council has drawn my attention to Policy CS.9 of the Core Strategy (2016) and Part H3 of the Development Requirements SPD (2020) which, amongst other things, seeks signs that do not compromise amenity and do not unduly affect the character or setting of a building. As I have concluded that the proposed signs would harm amenity, they therefore would not accord with this policy.

Other matter

19. It is not within the remit of this appeal to comment on the events that led the Council to its decision. Any grievances the appellant has in this regard should be directed to the Council. Similarly, giving advice is not within the remit of this appeal and therefore it would be unreasonable for me to suggest a sign of a particular height.

Conclusion

20. For the reasons given, I conclude that the proposed signs would be detrimental to visual amenity and therefore the appeal is dismissed.

R Walmsley

INSPECTOR