
Appeal Decision

Site visit made on 8 February 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2022

Appeal Ref: APP/W0734/Z/21/3285349

269 Cargo Fleet Lane, Middlesbrough TS3 8EX

- 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 Mr H Singh against the decision of Middlesbrough Borough Council.
 - The application Ref 20/0414/ADV, dated 22 July 2020, was refused by notice dated 30 July 2021.
 - The advertisement proposed is described on the application form as 'fascia sign'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr H Singh against Middlesbrough Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies (and the adopted Urban Design Guide Supplementary Planning Document) are not determinative, but I have taken them into account as material considerations.
4. When on my site visit, I observed that the signage had already been erected. Notwithstanding this signage being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
5. The Council have described the development as 'Retrospective application for the erection of an internally illuminated fascia sign'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
6. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to a perceived lack of communication and the length of time it took to determine the application. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

7. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

8. The appeal property is a two-storey terraced building with residential on the first floor and a commercial unit on the ground floor. It is set within a row of similar properties. Each of these properties has a fascia advertising board/sign and these signs are all in the same position on the front elevations of their respective properties and have broadly the same dimensions, except for the proposal which projects further out to the front. It is also taller than these other signs and is illuminated while they are not. Consequently, the proposal is visually at odds with these other signs and as such represents a discordant addition to the front of the appeal property which disrupts the visual symmetry of the other signs. As a result, it has a significant adverse visual impact on the host property, the row of terraced properties to which it belongs and the street scene.
9. I note that on some rows of retail units there is often a difference between the styles, designs and sizes of each unit's respective fascia advertisements. However, this is not the case at the row of properties to which the appeal property belongs. I also note that from a distance the proposal may not look as out of place. However, this is not the same as it not being visually out of place at all.
10. I therefore conclude that the proposal would have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy DC1 of the adopted local plan and the adopted Urban Design Supplementary Planning Document seek to protect visual amenity and so are relevant in this case. As I have concluded that the proposed advertisement would harm visual amenity, it would consequently also conflict with this policy and supplementary guidance.

Other Matters

11. I note the appellant's point that even though the proposal is bigger than the other signs it does not affect their effectiveness or have an adverse impact on the amenities of the residential occupiers of the flats above the commercial units and I note that the fish and chip shop has been operating for about a year with no complaints being received from neighbouring occupiers. However, this is not of sufficient weight to outweigh the substantial visual harm I have identified above.
12. I also note that the appeal property brings an economic benefit to the locality and maintains the vitality of the row of retail units to which it belongs. However, given that the shop has been trading for around a year, it is likely that the shop would continue to trade regardless of the size and type of signage on its frontage. As a result, I afford this benefit limited weight.
13. The appellant has also raised a concern in relation to the Council's decision to impose an enforcement order in relation to the appeal property. However, these are not matters for me to consider as part of this section 78 appeal as enforcement issues and the determination of retrospective planning applications are something that should be dealt with by the local planning authority in the first instance.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne INSPECTOR