



Appeal Decision

Site visit made on 17 May 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/J2210/Z/22/3292626

136 Central Parade, Herne Bay CT6 8SS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Ltd against the decision of Canterbury City Council.
 - The application Ref CA/21/02281, dated 10 September 2021, was refused by notice dated 20 December 2021.
 - The advertisement proposed is the upgrading of existing 48 sheet advert to support digital poster and removal of 48 sheet advert.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the determination of this appeal is the effect of the proposal on the visual amenity of the area.

Reasons

3. Amenity is not defined within the Regulations, nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood.
4. The appeal site overlooks a mini-golf facility located in the Herne Bay Conservation Area (CA). Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
5. The special architectural and historic interest of the CA derives from its early 19th century 'planned' seaside resort layout, developed and extended through the 19th and into the 20th centuries. With regard to advertisements, the Herne Bay Conservation Area Appraisal notes that, "Whether it is the street hoarding carrying giant posters, or neon or other illuminated signs crudely mounted on cantilevered boxcanopies or fascias, this can seriously, and damagingly, erode the underlying solid 19th century character of the town."

6. The digital advert would be located in a prominent position, highly visible from the surrounding area to both road users and pedestrians. I appreciate these types of advertisements are now commonplace in many streetscapes across the country. However, despite the commercial setting, large digital illuminated advertisements are not a prevalent feature within the context of the surrounding CA. To my mind, the combination of the illumination and the sequential format with changing images every 10 seconds or so would appear more prominent than the existing non-illuminated 48-sheet advertisement display. These would be incongruous features and accentuate the impact on the street scene, particularly at night time, and contrast with the generally smaller and more discreet shopfront advertisements.
7. I note that the scale of the proposal would be reduced in comparison to the existing dual-advert display, the surrounding area is well lit, the proposal would not affect a listed building or the living conditions of the occupants of residential properties in the vicinity, and the maximum brightness would accord with guidelines contained in The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015). Nonetheless, these matters do not outweigh the harm I have identified above.
8. I am aware that the Conservation Area Appraisal states that advertisement improvements "may be possible through the use of more appropriate modern design, detail and material". However, such a view also should be read in the context of the wording to either side of this statement, which notes, "When circumstances permit, every opportunity should be taken to reduce the effect of such poor modern advertising by reinstatement to the earlier Edwardian or Victorian pattern...or by complete removal with a replacement that better recognises the historic context."
9. Overall, I consider that the type and design of the advertisement would detract from the street's quality along Central Parade; it would be visually harmful to the locality, compromising the character and appearance of the locale and failing to integrate with the historic context of the CA.
10. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the CA and would not alter the built form or the townscape. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Conservation Area, importance and weight must be attached to the harm identified.
11. I appreciate that the existing adverts have been in place for over 12 years, the proposal would help achieve economic growth, there are no objections from Kent County Council Highways on safety grounds, there would be fewer vehicle trips to repost the site, and there would be a reductions in waste in relation to the production process and discarded material being sent to landfill, but such public benefits do not outweigh the harm.
12. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policies DBE3, HE1, HE6, HE8 and HE9 of the Canterbury District Local Plan 2017 seek to ensure advertisements are sensitively located within the street scene and encourage proposals that are consistent with the conservation of heritage assets. As such

these are considered material considerations insofar as they are relevant to visual amenity.

13. I conclude, therefore, that the advertisement would have a harmful effect on the visual amenity of the area. The scheme would not meet with the objectives of Local Plan policies or the Framework.

Conclusion

14. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR