



Appeal Decision

Site visit made on 16 June 2022

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/X1118/Z/22/3292102

Kentucky Fried Chicken, Roundswell Services, Barnstaple, Devon EX31 3RZ

- 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 EG Group against the decision of North Devon District Council.
 - The application Ref 74191, dated 7 October 2021, was refused by notice dated 13 December 2021.
 - The advertisement proposed is the siting of 1 internally illuminated 10 metre bucket pole sign.
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Decision

1. The appeal is dismissed.

Procedural matters

2. For accuracy I have taken the address of the proposal from the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the amenity of the area.

Reasons

4. The appeal site is located within the verge of a roadside services area, adjacent to the Roundswell roundabout, accessed from the A39. To the south of the site an established belt of trees and vegetation runs along the highway boundary, partially shielding the developed form of the services and the light industrial appearance of the land use that sits behind it to the north. Although gaps in the trees do occur close to the roundabout, affording broken views into the services area, the appearance that prevails when experienced from the A39 is a verdant edge of town location.
5. The existing verge in which the proposal would sit is largely free of existing advertisements, with the exception of a BP totem sign that the Council state is 5.6m tall and an existing Kentucky Fried Chicken (KFC) sign located closer to the KFC outlet. Other street furniture includes various streetlights and low-level information signage associated with the services.
6. The proposal would incorporate KFC branding on a bucket shaped sign, stated to measure 1.8m by 1.8m, sitting at the top of a single column, below which three smaller panel signs would be attached. The total height of the proposal would be 10m and it would be internally illuminated.

7. The plans submitted show that by virtue of its overall height and positioning, the advertisement would reach well above the existing trees, the BP totem sign, nearby streetlights and other signage. The height and appearance of the wide bucket element would further accentuate the proposal's overall scale. As a result, the advertisement would appear excessively tall and incongruous in its setting, at odds with that surrounding it and as an alien form above the trees, particularly when seen from the A39. This effect would be compounded by the proposal's bold, contrasting colours during daylight and further by its internal illumination in hours of darkness.
8. The presence of existing vegetation and trees along the highway boundary would not in my view soften the effect of the proposal in any meaningful way, nor would it amalgamate with the backdrop of the built form to the north because the excessive height of that proposed would reach above much of that which surrounds it.
9. The appellant has proposed to restrict the illumination of the advertisement to the opening hours of the establishment and remove an existing advertisement located close to the KFC outlet. However, in my view this would not overcome the harmful effect of the proposal's scale and height.
10. The appellant points out that the same design has been successfully used elsewhere in the country, that no objections were received from the Local Highway Authority and it would not be near sensitive receptors. I also acknowledge that the proposed height of the advertisement has been informed by the height of the existing trees and the desire to provide a noticeable advertisement when seen from the A39 and surrounds, that would not rely on regular tree pruning to ensure its visibility. However, when considering its effect on amenity I must consider the proposal on its own merits and the context in which it would be sited. For the reasons above, in my view that proposed is excessively high and overly conspicuous in its setting. As such, the proposed advertisement would be detrimental to the amenity of the local area.
11. I agree with the appellant that Policy DM22 of the North Devon and Torridge Local Plan (LP), 2018 appears to relate more to shop frontages and associated signage than that before me. However, I have taken into account policies ST04 and DM04 of the LP, along with that contained in the National Planning Policy Framework, 2021, each of which, amongst other things seek to protect amenity. Given I have concluded that the proposal would harm amenity, the proposal would conflict with these policies.

Conclusion

12. For the reasons above, the appeal is dismissed.

M Scriven

INSPECTOR