



Appeal Decision

Site visit made on 30 June 2022

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH July 2022

Appeal Ref: APP/H2265/Z/22/3290811

Unit 2, Swanmead Way, Tonbridge, TN9 1GG

- 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 B&M Retail Ltd against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/02396/AT, dated 2 September 2021, was refused by notice dated 22 November 2021.
 - The advertisement proposed is a non-illuminated, flex face fascia sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the a non-illuminated, flex face fascia sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Reasons

2. The main issue in this appeal is the effect of the proposed advertisement on amenity. As the appeal site lies outside, but close to, the designated heritage asset of the Tonbridge Conservation Area it forms part of the setting of that heritage asset (as defined in the Glossary to the National Planning Policy Framework). Paragraph 206 of the Framework states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably. My assessment of the main issue therefore considers whether the significance of the Conservation Area would be affected by the proposed development occurring outside it. There are three Grade II listed buildings near the appeal premises, and the setting of these is a further material consideration when considering the effect on amenity.
3. The Conservation Area encompasses a large area over the town of Tonbridge, where the origins of the town are clear from the street pattern, waterways through the town and buildings that reflect the history and evolution of the town over the years. The part of the Area closest to the appeal site sees buildings centred on the Mill Pond, with streets showing a residential character dating from the 19th Century. The significance of the Conservation Area derives from quality of buildings and spaces, the layout of streets, and the clear legibility in how the town has evolved over history.
4. The appeal premises, and the retail park of which it forms part, is visible from certain places within the Conservation Area on Mill Lane and Mill Crescent. The

location of the sign to the premises is glimpsed in views past buildings and trees next to the Mill Pond and Mill stream, due to the position at the front of the building, and its height and size. There are similar views of the existing sign on the adjoining retail premises of Aldi.

5. The premises the subject of this appeal were created following planning permission TM/15/02144/FL, which saw the subdivision of a previous single retail unit into two smaller units. A number of Non Material Amendments were made to that permission. I have been provided with a drawing relating to this permission that shows signage panels for both new units were approved as part of that permission. I am also informed that a sign relating to the other Unit (Unit 1) within that signage panel area was granted advertisement consent by the Council in 2018 (ref. TM/18/00958/AT): that is the sign to Aldi, which I saw at my site visit.
6. An application for advertisement consent for an illuminated sign at the appeal premises was refused in 2019 (ref TM/18/02756). An Enforcement Notice was issued and a subsequent appeal saw that Notice upheld in 2019, with variations (ref. APP/H2265/C/19/3226751). The proposal the subject of this appeal would see a sign of different design and not be illuminated.
7. The Inspector at the appeal regarding the Enforcement Notice considered the sign the subject of the Notice to be a large and dominant feature on the front of the building, which was highly visible and eye catching. He considered it to be a dominant and discordant element, and that would be particularly apparent in the evenings and during the darker months of the year due to the internal illumination.
8. I acknowledge that, even though not illuminated, the sign in its new design, which is the subject of this appeal, would still be visible from the Conservation Area due to the siting of the premises on the retail park and the position of the sign high on the building. But it is evident to me that it was always the intention of Units 1 and 2 in this part of the retail park to have signage at high level, fronting Cannon Lane. And it is reasonable to expect such signage to enable a retailer to inform customers where the store is: the wider retail park is clearly a major retail destination serving the area, with the appellants informing me it is one of only three out-of-centre retail facilities in the Borough identified in the Tonbridge Development Land Allocations Development Plan Document (2008). The position of the signage is above the entrance to Unit 2, which is a logical – and expected – location for a sign, as reflected in the approved drawings for the creation of the two retail units.
9. Thus, in my judgement there must be a balance struck between the expectation of some signage for the premises and amenity, and the degree of impact upon the setting of the Conservation Area. I consider that the scheme as now presented is materially different to that which was the subject of the Enforcement Notice appeal. The new design is far more muted in appearance due to a simple two-colour scheme with restricted palette. This would make the appearance of the sign recede into the background of views across the Conservation Area, whereby the sign appears as just one, subdued element in the wider visual panorama of the retail park buildings and signage seen from the various viewpoints to the west. There are limited views of the sign, and those views are little different to how the Aldi sign can be seen. In those views looking out of the Conservation Area, and when considering the entrance to the

Conservation Area, the design, siting and scale of the sign would thus not be a dominating or discordant feature. The significance of the Area as a heritage asset would thus not be harmed.

10. The three listed buildings in the vicinity are set around the Mill Pond. They are separated from the appeal premises by a boundary wall, planting and the distance across the busy A26. For these reasons I concur with the conclusions of the previous Inspector that there would not be any effect on the setting of these buildings.
11. On the main issue I therefore conclude that the proposed development would not be harmful to amenity. I have taken into account Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, and Policy SQ1 of the Managing Development and the Environment DPD 2010, whose objectives include seeking to protect amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies. The proposals would also have no impact on the significance of the Conservation Area or the setting of the listed buildings. Thus, there would be no harm to heritage assets and the proposals would not conflict with Section 16 of the Framework. The appeal is allowed.

C J Leigh

INSPECTOR