
Appeal Decisions

Site visit made on 9 August 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal A Ref: APP/V0510/W/21/3284524

The High Flyer, 69 Newnham Street, Ely CB7 4PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Good Eats (Ely) Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref 21/01110/FUL, dated 26 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the siting of a three dimensional 'mug' structure advertisement on the gable end of the building.
-

Appeal B Ref: APP/V0510/W/21/3284519

The High Flyer, 69 Newnham Street, Ely CB7 4PQ

- 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 Good Eats (Ely) Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref 21/01111/ADN, dated 26 July 2021, was refused by notice dated 29 September 2021.
 - The advertisement proposed is a single three dimensional mug advert on the gable end elevation of the building to advertise the coffee shop business.
-

Decisions

1. Appeal A is allowed and permission is granted for the siting of a three dimensional 'mug' structure advertisement on the gable end of the building at The High Flyer, 69 Newnham Street, Ely CB7 4PQ, in accordance with the terms of the application, Ref 21/01110/FUL, dated 26 July 2021, subject to the following condition:
 - a) The three dimensional 'mug' structure on the gable end of the building shall be permitted for a limited period being the period of two years from the date of this decision. Following the expiry of that period the three dimensional 'mug' structure shall be removed and the gable end of the building restored to its former condition before the expiry of a further period of one month in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
2. Appeal B is allowed and express consent is granted for a single three dimensional mug advert on the gable end elevation of the building to advertise the coffee shop business at The High Flyer, 69 Newnham Street, Ely CB7 4PQ, in accordance with the terms of the application, Ref 21/01111/ADN, dated 26 July 2021, subject to the five standard conditions set out in the Regulations.

Preliminary Matter

3. The development and advertisement are already in place.

Main Issue

4. The main issue is the effect of the mug structure/advertisement on the character, appearance and amenity of the area, including the effect on the City of Ely Conservation Area (CA).

Reasons

5. The large three dimensional 'mug' structure of white plastic coated polystyrene, about 3.1 m high and 1.8 m wide, set on a 0.5 m plinth and projecting about 1.55 m, has already been installed on the gable end of the High Flyer Public House on the Newnham Street/New Barns Road corner. The mug wraps around the projecting chimney breast on the end of the 19th century buff brickwork building and has been painted with an advertisement comprising black lettering and Alice in Wonderland themed artwork.
6. The mug was installed to draw attention to the refurbishment and rebranding of the public house at the end of the last lockdown. This seems to have been successful with numerous letters submitted both in support and against the feature and a petition of 1,113 names supporting its retention on the basis that it enhances the streetscape and brings joy to many local citizens.
7. The mug is situated on the gable end of the part two/part single storey building and thus screened from road users approaching from the west. However, from the east the mug is clearly seen against the backdrop of the building for some distance along Prickwillow Road due to its exposed position on a street corner. Seen in the context of the conventional mainly brick terraced houses and miscellaneous buildings along the road the structure is starkly and quirkily obvious, an intrusive feature prominently standing out in the streetscape.
8. On any conventional basis the large 'mug' is out of place in the area and fails to preserve the vernacular fenland character and appearance of this part of the extensive City of Ely CA. However, the mug is located on a secondary road within the city, well away from the cathedral, and as an advertisement its role is to stand out. White plastic covered polystyrene is also an alien material within the CA and, together with its lettering, is likely to deteriorate over time, potentially becoming an eyesore if not adequately maintained.
9. Perhaps recognising these points, the appellant states they would be prepared to accept a two-year temporary permission¹, the natural business cycle for the current relaunch of the public house. Successful businesses attracting activity are essential to the character of the CA in addition to its built appearance, and in this unusual one-off case the marketing benefits of the mug justify its retention for such a time limited period. After this period however its publicity value will have declined, the novelty will have worn off and any remaining joy is likely to be outweighed by irritation at a bizarre structure in the street scene that has outstayed its welcome.

¹ Email from the appellant dated 15 August 2022

Conclusion

10. For these reasons the three dimensional 'mug' structure/advertisement significantly harms the character, appearance and amenity of the area and fails to preserve the character and appearance of the City of Ely CA in conflict with Policies ENV1, ENV2, ENV3 and ENV11 of the East Cambridgeshire Local Plan 2015. These require proposals to create positive, complementary relationships with existing development, to have regard to architectural traditions, to relate sympathetically to the surrounding area and to preserve or enhance the character and appearance of a CA. Advertisements should be consistent with the architectural style, materials and form of the building to which they relate.
11. However, for a limited period of two years these considerations should be set aside to allow the mug advertisement to contribute to the innovative promotion of the public house business and its relaunch following lockdown. This and the level of local support justify an initial decision at variance with the development plan and the legislative duty in relation to the character and appearance of the CA, albeit only for a limited period.
12. To give effect to this decision a condition is necessary to limit permission to a period of two years and to require that the mug be removed and the gable end wall reinstated within a short period after permission has expired. Given the modest size and relatively insubstantial materials of the feature a maximum of one month is considered adequate for this purpose.
13. Having regard to the above the appeal should be allowed for a temporary period of two years only.

David Reed

INSPECTOR