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# Appeal Decision

Site visit made on 31 August 2022

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5th September 2022**

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**Appeal Ref: APP/J2210/Z/22/3296856**

**35 New Dover Road, Canterbury, Kent CT1 3AT**

- 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 McCarthy & Stone against the decision of Canterbury City Council.
  - The application Ref CA/21/01465, dated 4 June 2021, was refused by notice dated 1 March 2022.
  - The advertisement proposed was originally described as 'hoarding plus 4 flags'.
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## Decision

1. The appeal is allowed and express consent is granted for the erection and display of advertisements on hoarding at 35 New Dover Road, Canterbury, Kent CT1 3AT 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 and the following additional condition:
  - 1) The advertisements hereby permitted shall be removed from the site no later than 5 years from the date of this decision.

## Preliminary Matter

2. The description of development in the banner heading above is taken from the application form. However, amended plans were submitted to the Council prior to its determination of the application including amendments to the colouring and design of advertisements and the omission of the originally proposed flags. It is clear from the Council's report on the application that the proposal was dealt with according to the amended plans, and I have determined the appeal on the same basis. I have also used the description of development stated on the Council's decision notice in my formal decision since this better describes the scheme as amended.

## Main Issue

3. The main issue is the effect of the proposal on the amenity of the area, including with particular regard to the effect of the development on the Canterbury (New Dover Road and St. Augustines Road) Conservation Area ('the CA') and the setting of the Canterbury World Heritage Site ('the WHS').

## Reasons

4. The Canterbury (New Dover Road and St. Augustines Road) CA which includes the appeal site is a Victorian suburb on the edge of the city centre. For the most part, buildings in the CA are large, and are set on generous and

well-vegetated plots with mature trees and other planting, including to boundaries. Overall, this provides for a spacious and verdant character which I consider contributes to the significance of the CA. New Dover Road is also one of the approaches to the city centre, and at my visit I saw that Canterbury Cathedral and its tower are apparent in views along this road past the appeal site. From the evidence before me, the appeal site is not within the WHS which derives significance and Outstanding Universal Value from sites including the Cathedral which are milestones in the religious history of England, nor its designated buffer zone, but I have nevertheless considered the effect of the proposal on the setting of the WHS given these views.

5. At the time of my visit, construction works were ongoing on the appeal site, and I observed plain black (save for construction-related signage) hoarding panels along the majority of the frontage to New Dover Road. The appeal proposes the display of advertisements on hoardings to this site frontage.
6. The advertisements would relate to the forthcoming development on the site, and would only be present for a temporary period while construction is ongoing, so their visual effect would be short-term. They would comprise panels with white text on a black background (including 2 logo boards) or black text on a white background; as well as 3 marketing images which would include colour. I acknowledge that they would extend for a significant distance along New Dover Road, but the textual and logo panels would be of simple designs and their monochrome palettes would be relatively unassuming. They would also be balanced by the interspersed photographs which are shown to be of fairly muted colours, reducing the prominence of the images. Even taken together, the advertisements would not in my view appear excessive or cluttered along the frontage, and I consider that the overall appearance would be understated, and not unduly conspicuous or obtrusive in the street scene.
7. Moreover, the alternating panels would provide for visual interest and relief that would help to visually break up the length of the boundary. In my judgement, this would be more sympathetic and less imposing than the existing continuous stretch of plain hoardings which currently form a striking feature in the street scene, and would relieve the overall visual impact of the site frontage.
8. In addition, the advertisements would not be notably taller than vegetation that I saw to other front boundaries nearby which would further help to reduce their prominence. I accept that the largely solid boundary would contrast with the typically softer treatment to the front of other sites on this part of New Dover Road and with the wider CA. However, this is a result of the hoardings themselves which do not form part of the development before me, and would be the case irrespective of the appeal proposal.
9. Although the advertisements would be visible alongside New Dover Road, I find given these factors that they would be a discreet addition to the street scene, and the appeal proposal would not harm the character or appearance of the area nor the significance of the CA. For the same reasons, I am satisfied that the development would not stand out or intrude in views along New Dover Road towards the city centre so as to compete with the WHS or Cathedral or adversely affect their setting, and I find that the Outstanding Universal Value of the WHS would be preserved. I therefore conclude that there would not be harm to amenity.

10. I have taken into account Policies DBE3, HE1, HE2, HE6 and HE8 of the Canterbury District Local Plan 2017 ('the CLP') which together and amongst other things broadly require high quality design and development that reinforces and contributes positively to local context and that protects, conserves and enhances the historic environment and the significance of heritage assets including conservation areas and the WHS. The appellant has questioned the Council's reference to Policy HE2, but the requirement within this policy to not have an adverse impact on the values of the WHS is stated to apply to development within the setting, not just the buffer zone of the WHS, and I therefore find that it is relevant here. I have also had regard to Policy HE9 of the CLP which is referred to within the Council's report to Committee but not the reason for refusal and which requires, amongst other things, that advertisements in conservation areas are kept to a minimum and that their size, design, materials and colouring should not detract from the character and appearance of the area.
11. Given that I have concluded that the proposal would not harm amenity, it would not conflict with these policies. For the same reasons, I find no conflict with the National Planning Policy Framework which includes requirements for the conservation and enhancement of the historic environment including conservation areas and World Heritage Sites.

### **Other Matters**

12. Flags are no longer part of the appeal scheme, and given that the advertisements that are proposed would not be illuminated or moving, I consider they would be unlikely to cause distraction to drivers, cyclists or other passers-by. The Council has not raised concerns that the proposal would harm public safety, and I have no firm basis to find differently.
13. I have noted concerns raised by interested parties including regarding the loss of vegetation and family homes on the appeal site, additional traffic, noise and disturbance, and the placement of container offices behind the hoardings. However, these are not factors which alter my assessment of the advertisements that are before me as part of this appeal and which are subject to control only in the interests of amenity and public safety.
14. I have considered arguments that the proposal would set a precedent for similar development elsewhere. Each application and appeal must be determined on its individual merits, but given that I have concluded that the proposal would be acceptable, I can in any event see no reason why it would lead to harmful developments on other sites in the area.

### **Conditions**

15. In its response to question 13 of the appeal questionnaire, the Council indicated that it did not consider any condition other than the 5 standard conditions set out in the Regulations should be imposed in the event that express consent were to be granted. However, I note that the Council's report to Committee included a list of suggested conditions. Of these, conditions 2, 3, 4, 5 and 6 essentially reflect requirements of the standard conditions, and because it is express consent that would be granted, it is not necessary to specify that development should be carried out in accordance with the approved plans. I also see no reason that it would be necessary to include a condition specifying that the advertisement should not be illuminated given

that this is not part of the development proposed. I have however imposed a slightly amended form of suggested condition 8 to require that the advertisement is removed from the site on or before the expiration of the 5 year consent period which I consider necessary in this case in the interests of the amenity of the area.

### **Conclusion**

16. For the reasons given above, I find that the proposal would not harm amenity, and I therefore conclude that the appeal should be allowed.

*J Bowyer*

INSPECTOR