



Appeal Decision

Site visit made on 19 October 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2022

Appeal Ref: APP/C1760/W/22/3298155

Light of Asia, 86-88 High Street, Andover SP10 1NE

- 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 Mr Philip Alcock against the decision of Test Valley Borough Council.
 - The application Ref 21/03420/ADVN, dated 22 November 2021, was refused by notice dated 9 March 2022.
 - The advertisements proposed are described as "Restaurant name signage to front of building. Replacement of previous dilapidated signage".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 86-88 High Street is a grade II listed building within the Andover Conservation Area. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) advise that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. This would encompass listed buildings and conservation areas, and with regard to the latter as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
3. At the time of my visit an externally illuminated fascia advertisement and an internally illuminated hanging sign had been installed upon the building. The description of the development set out above is taken from the original application form. Within that form the type of proposed advertisements were detailed as being an externally illuminated fascia sign and an internally illuminated hanging sign. Whilst the appellant considers that consent is not required for the hanging sign, the appeal follows an application for consent for the two advertisements. The Council has dealt with the proposal on this basis and so shall I.

Main Issue

4. The main issue in this case is the effect of the advertisements on the amenity of the area.

Reasons

5. 86-88 High Street (No 86-88) is part of a terrace of buildings within the town centre. The long terraces of mostly historic buildings with ground floor shopfronts that front the public footway are a distinct feature of the conservation area, reflecting the historic development and function of the town as a wealthy market town. The straight and wide nature of the High Street provides long views of No 86-88, and the property contributes positively to the rich variety of high quality historic buildings that flank the footway. The presence of so many historic buildings, their close relationship to the road, along with the diversity of their public and private uses, creates an attractive, bustling dynamic to the area, all of which are distinct elements of the significance of the conservation area.
6. The appeal property is part of a row of historic buildings close to the hilltop, and there are long views of its frontage, particularly when approaching from the south. To the ground floor there are shopfronts to either side of a filled opening, and they have a traditional form, including a cornice, stall risers, and pilasters. On the floors above, there are rendered walls under a tiled roof, with mostly sash windows and some filled openings. The historic form and detailing of the building, the use of traditional materials, along with the presence of the ground floor traditionally detailed shopfronts flanking the footway, are all part of the special interest of this listed building. The building makes a positive contribution to the character and appearance of the conservation area, as it maintains and enhances the historic and harmonious nature of the street scene, with the public uses contributing to the bustling public realm that is such a feature of the High Street.
7. The provision of an LED illuminated fascia advertisement is harmfully intrusive, and particularly so because of the presence of the applied plastic lettering that stands proud of the fascia. The appellant has stated that the previous fascia advertisement was illuminated by a fluorescent tube and that the level of illumination has remained the same. Nevertheless, the use of LED lighting has a very different affect to fluorescent tubes in that it has a much crisper and brighter impact. When combined with the presence of the applied, shiny lettering across most of the width of the fascia, the advertisement appears overtly discordant upon the building and within the area, and the reflective nature of the letters and the shadows they create serves to exaggerate these harms.
8. The Council's Shopfront Design Guide (2010) refers to traditional fascias within the town being of timber with painted lettering. Even though the fascia is painted wood, the modern style and materials of the applied lettering, along with it being raised away from the fascia surface,

unacceptably conflicts with the traditional form, materials and detailing of the historic building and that of those nearby. As the adjoining buildings have retained their painted wooden fascias, the harmful impact of the advertisement is exaggerated as the modern style and materials of the lettering is an incongruous juxtaposition with the advertisements either side. Not only does the fascia harm the appearance of the host building and the contribution it makes to the significance of the conservation area, but given the elevated position of the property and that it is visible from long distances away, it is unacceptably prominent and distracting in an area characterised by its harmonious appearance.

9. The hanging sign is described by the appellant as refurbished, albeit that it is now internally illuminated by LED lighting and the frame has been replaced. The hanging sign has been positioned on the building above the first floor cill level, and it is much higher than the appeal property's fascia or those of the neighbouring properties. Given its elevated position and that it is illuminated by LEDs it can be seen from long distances away, including from much lower down the High Street. The prominence of the advertisement is unduly distracting, having an unacceptably intrusive presence in the street scene.
10. From my site visit I saw that there are a variety of restaurants and take-aways near to the appeal property. However, in most cases the fascias are painted. There is a nearby example of another modern styled fascia sign and an elevated hanging sign, but most of the nearby businesses have traditionally styled advertisements. Consequently, these nearby exceptions do not create a binding precedent for allowing the appeal proposal.
11. The appellant refers to the advertisements having an energy saving benefit and commercial benefit in that they are needed to attract customers. Nevertheless, the circumstances of this case are such that the advertisements are unacceptably conspicuous and incongruous within the surrounding area, even having regard to the associated advertisements of nearby food service premises. The benefits referred to by the appellant would be limited and neither this nor local support would mitigate the significant and unacceptable harm to the area that arises from the advertisements. Moreover, the Regulations and the National Planning Policy Framework (the Framework) make it clear that advertisements should be subject to control only in the interests of amenity and public safety, albeit taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Economic and environmental benefits arising from the advertisements are not matters for my consideration.
12. For these reasons, the advertisements unacceptably harm the visual amenity of the area. The advertisements detract from the appearance of the listed building and the contribution it makes to the conservation area, and they thereby neither preserve nor enhance the character or appearance of the conservation area. Given the nature of the

advertisements, the conditions suggested by the Council would not ameliorate the harm. Although not decisive in advertisement cases, I have had regard to guidance within the Andover Conservation Area Appraisal and Management Plan (2021) (the Plan), which seeks amongst other things, to preserve and enhance the conservation area by informing and managing change. In addition, objectives of the Framework seek to control advertisements in the interests of amenity, recognising that the quality and character of places can suffer when advertisements are poorly sited and designed. As the advertisements unacceptably harm the character and appearance of the area, they would fail to accord with objectives of the Framework nor with those of the Plan.

Other Matters

13. As the appeal dealt solely with the matter of advertisement consent, whether the works would need listed building consent would be a matter for the parties to address.
14. Finally, concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

15. Thus, the advertisements would cause significant harm to the visual amenity of the area. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

JJ Evans

INSPECTOR