



Appeal Decision

Site visit made on 1 November 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/C1055/H/22/3299928

Unit D & E, Kingsway Park Close, Kingsway Industrial Est, Derby, Derbyshire, DE22 3FT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr David Carlin of Trusty Pet Supplies Limited against the decision of Derby City Council.
 - The application Ref 22/00303/ADV, dated 24 February 2022, was approved on 26 April 2022 and express consent was granted for the display of advertisements subject to conditions.
 - The conditions in dispute are Nos 2 and 3. Condition 2 states that: *The development must conform in all respects with the plans and details shown in the application as listed below*, and Condition 3 states that: *The consent shall not extend to include the sign to be displayed on the boundary fence of 53 Lyttleton Street (sign 2)*.
 - The reasons given for Condition 2 is: *For the avoidance of doubt and to define the bounds of this decision* and for Condition 3: *The proposed sign for the boundary fence of 53 Lyttleton Street is considered to be harmful to the character of the local environment in terms of the visual amenities of the wider streetscene and is, therefore, contrary to the aims of saved policy E26 in the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.*
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Decision

1. The appeal is allowed and consent is granted for the display of advertisements subject to conditions. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations.

Background and Main Issue

2. The application sought consent for four signs. The Council's decision approved three signs, Signs 1, 3 and 4, all to be located either within the appellants' premises or on the service road to the premises. Sign 2, which would be fixed to a wooden boundary fence of a dwelling situated at the junction of Lyttleton Street and Kingsway Park Close was refused consent on the grounds that it would be harmful to visual amenity and the wider character of the area.
3. The main issue is therefore the effect of Sign 2 on the character and appearance of the area.

Reasons

4. Lyttleton Street has an unremarkable but consistent residential character, with a building pattern of linked and semi-detached dwellings set back from the

footway and with a range of boundary treatments comprising brick walls, and vertical timber panels, sometimes above concrete gravel boards.

5. Number 53 Lyttleton Street (no 53) has a long side boundary that extends along Kingsway Park Close, leading to the appellants' premises. Although there is a small open space with mature trees opposite No 53's side boundary, the steel palisade boundary fencing of plots beyond that open space are very apparent. This gives the end of Kingsway Park Close a mixed and partly industrial character rather than residential.
6. Fixing the sign to the side boundary fencing of No 53 would not have any impact on views for people moving westwards along Lyttleton Street and would have a minor impact on views for people moving eastwards, when emerging from underneath the Kingsway bridge. I am satisfied that any impact on the visual amenity of the area would be minor and it would be most evident on Kingsway Park Close, which already has something of an industrial character.
7. Moreover, although there is a directional sign on the other side of the junction, it is small and not readily visible. The minor conflict with Policy E26, which sets out that advertisement consents will be given where they would not detract from the character and appearance of the area, would be outweighed by the economic benefit of customers being able to find their way to the premises.
8. I appreciate that allowing Sign 2 in this location could lead to pressure for more signs on this corner, but each application would be determined on its merits and this is insufficient reason to warrant dismissal of this appeal.

Conclusion

9. For the reasons given above I conclude that Sign 2 is acceptable on visual amenity grounds. As conditions 2 and 3 are concerned with restricting the display of the advertisements to Signs 1, 3 and 4, I see no reason for those conditions to be reimposed. The appeal is allowed.

A Edgington

INSPECTOR

