

Appeal Decision

Site visit made on 17 November 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/X3540/Z/21/3284772

169-170 High Street, Lowestoft NR32 1HU

- 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 Mrs Dixon-Grant against the decision of East Suffolk Council.
 - The application Ref DC/21/3493/ADN, dated 21 July 2021, was refused by notice dated 8 October 2021.
 - The advertisement proposed is described as '2 fascia signs with name of business so that our customers can find us'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The advertisement which is the subject of this appeal has been implemented. Consequently, I have dealt with the appeal as involving an application for retrospective consent.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area and, in particular, whether it would preserve or enhance the character or appearance of the North Lowestoft Conservation Area in which the appeal property is located.

Reasons

4. The conservation area covers the bulk of the town's surviving historic core, including the High Street. The *North Lowestoft Conservation Area Appraisal and Management Plan* (CAA) states that the High Street character area retains a notable collection of late nineteenth and early twentieth century shop and public house frontages. More specifically, the CAA says that Nos.161-163 and 165-176, formerly known as Corporation Buildings, were built in the late nineteenth century. This row of two separate but stylistically related structures, which includes the appeal property, present an impressively long and balanced elevation, which is apparent from the site inspection. Consequently, the CAA categorises the row as a Positive Unlisted Building.
 5. The two fascia signs that are in place are positioned above a pair of sash windows and a window and a door. I acknowledge the appellant's contention
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that the signs fulfil their intended function of advertising the business and include lettering, colouring and overall design that reflect this purpose.

However, the signs are positioned such that they overlap the projecting brick course of the corbel above the windows and door. This results in the signs not being flush to the wall and, therefore, appearing as poorly fitted and incongruous features in this regard. Moreover, the signs obscure the soldier courses of brickwork directly above the windows, thereby detracting from the architectural detail of the front elevation.

6. The immediate context at this end of the High Street is of few buildings with fascia or other forms of signage. As such, the incongruous appearance and positioning of the signs as described is particularly apparent. Consequently, for these reasons, the existing signs fail to preserve the character and appearance of the conservation area.
7. Both parties refer to the public benefits of the advertisement, particularly in the context of balancing this against any harm to the conservation area, which is usually a requirement of the National Planning Policy Framework¹. However, as the proposal involves an advertisement, the question of less than substantial or substantial harm is not relevant, as this policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. I acknowledge that the appellant may have been unaware of the need to obtain consent for the advertisement and the frustrations expressed about the overall process. However, these matters are properly not ones for me to consider as part of this appeal, which is only concerned with the planning merits of the advertisement.
9. Therefore, for the above reasons, I conclude that the advertisement that is in place has an unacceptably harmful effect on amenity and so does not preserve the character and appearance of the North Lowestoft Conservation Area. I have taken into account Policy WLP8.39 of the East Suffolk Council – Waveney Local Plan (2019), which concerns the effects of development in conservation areas and which, therefore, is material in this case. Given that I have concluded that the proposal would harmfully affect the amenity of the area, including its failure to preserve the conservation area's character and appearance, the proposal is contrary to this policy.
10. In reaching this conclusion I am particularly mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area².

Conclusion

11. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson INSPECTOR

¹ Paragraphs 199–203.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.