



Appeal Decision

Site visit made on 2 December 2022

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/D4635/Z/22/3304879

Sainsbury's Supermarket, Reglan Street, Wolverhampton WV3 0ST

- 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 Sainsbury's Limited, against the decision of the City of Wolverhampton Council.
 - The application Ref 22/00391/ADV, dated 6 April 2022, was refused by notice dated 8 July 2022.
 - The advertisement proposed is described as '*new illuminated flex faces signs.*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
3. I have based my decision upon the description of the proposed advertisements taken from the Council's refusal notice rather than from the banner heading above. The proposal outlined in the Council's refusal notice is a '*proposed static internally illuminated 300 cd/m2 fascia signs on elevation adjacent to car park*'. This is a more precise and accurate description of what is proposed and reflects what is shown on the submitted plans.

Main Issues

4. The main issue is the effect of the proposed development upon the amenity of the building and the area.

Reasons

5. This is a retrospective proposal. The five illuminated advertisements have already been erected on the wooden panelling to the elevation facing the Sainsbury's car park and towards Stephenson Street. This is a prominent elevation when seen from both the car park and the street.

6. The use of large windows with timber panelling infilling represents a contemporary and distinctive design feature on this supermarket building. It is clear to me that when the building was originally conceived, some effort had gone into the design of this prominent elevation. While a large 'Sainsbury's' advertisement is displayed on its roof, save for the appeal proposal and some small and discrete 'café' advertisements within upper-level glazing panels, there is nonetheless a general and pleasing absence of advertisement clutter to this elevation particularly at higher level. This ensures that overall, none of the advertisements on this elevation compete with the way that the elevation is appreciated in terms of its distinctive elevational design features.
7. The advertisements are positioned within the middle of the wooden panelling. When seen from the car park, Stephenson Street, and to a limited extent from Ring Road St Marks, I find that, owing to their multiple colours, illumination and position, the advertisements have caused material harm to the design of the host building. Indeed, they visually compete with the way that the wooden panelling was previously appreciated by passers-by and add a form of clutter to the building that seeks to erode unacceptably to what is otherwise a well-designed elevation.
8. I appreciate that existing 'fresh kitchen' café signs would be removed from around the store as the evidence is that such a café is to be replaced. I appreciate that similar advertisements exist at the Selly Oak Sainsbury's. I do not know the circumstances which led to advertisements being erected at that store and, in any event, I have determined the appeal upon its individual merits. None of these matters alter or outweigh my findings above.
9. For the above reasons, I conclude that the proposed advertisement would have an adverse impact upon the amenity of the host building and the area. It would therefore be contrary to the design and amenity requirements of the Council's 2006 Unitary Development Plan policy EP19, policy ENV3 of the Black Country Core Strategy 2011, the Council's Supplementary Planning Guidance 7: Outdoor Advertisements and Signs, and Chapter 12 of the National Planning Policy Framework 2021.

Conclusion

10. For the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR