



Appeal Decision

Site visit made on 9 January 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/X0360/W/22/3301608

Unit 1 Southgate House, Alexandra Court, Wokingham, RG40 2SL

- 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 Richard Young (R Young Art) against the decision of Wokingham Borough Council.
 - The application Ref 220295 dated 2 February 2022, was refused by notice dated 21 June 2022.
 - The development proposed is application for advertisement consent for 1 no. bollard cover advertisement to be used during opening hours. NON-illuminated.
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Decision

1. The appeal is allowed and express consent is granted for installation of 1 no. bollard cover advertisement to be used during opening hours. NON-illuminated. The express consent is for eight years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The advertisement will only be displayed between the hours of 10:00am to 17:30pm Monday to Saturday;
 - 2) The advertisement will be removed immediately at the end of the express consent period.

Procedural Matters

2. I have utilised the Council's description of the proposal as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon i) the appearance of the Conservation Area and ii) highway safety and free flow of traffic.

Reasons

Conservation Area

4. The appeal proposal would be located off Denmark Street at the entrance to Alexandra Court outside which there are traditional black bollards by the kerb edge of the pavement. The appeal site is located within the Wokingham Town Centre Conservation Area (CA) and seeks permission for a cover advertisement on one of the aforementioned bollards. Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or

appearance of the CA. The Conservation Officer's comments have not been submitted in full as part of this appeal, however, they have been summarised within the Council's delegated report.

5. The proposal is modest in size and scale and would only be present during the opening hours of the gallery which is when the town centre would be generally busier with cars, pedestrians and general urban activity and clutter. This control over display timings could be controlled by condition. The proposal would not introduce more street furniture as a result of covering an existing bollard compared to, for example, new free standing street based signage which could potentially create visual clutter without careful consideration as to location. The Council's assessment appears to be based on what could happen in the future, in terms of precedent, cumulative impact of potential advertisements and use similar bollards based upon Google Street Views from April 2021. I note a site visit was made by the Council on 25 February 2022.
6. At the time of my site visit (lunchtime (around 12:30pm)), whilst only a snapshot in time, I found limited examples of similar bollard covers within the vicinity of the appeal site albeit there were some freestanding signs on the pavement. The Council confirm that the examples cited, from April 2021, do not have the benefit of advertisement consent. Their presence could, therefore, presumably be controlled or enforcement action be taken by the Council if required and if of concern to the Council.
7. Proposals should be considered based upon the facts of the case at the point of determination. I understand that the Council has concern regarding potential cumulative or collective impact of such advertisements should more be granted permission, however, at the point this appeal is before me this has not happened. Based upon my site visit and the modest scale of the proposal I do not find, based upon the current surroundings, that the proposal on its own would result in unacceptable visual clutter which could cause harm to the CA or cause visual erosion of the street appearance.
8. The proposal would have little consequence or harmful impact and would, on the basis of doing no harm, preserve the character and appearance of the CA. A fear of a precedent is not a reason for refusal and indeed there may become a point in the future where collective, or cumulative, impact would be of valid concern for the CA but this is not currently the case and the proposal is appropriately sited and designed. I find it is a proposal which would be kept to a minimum, in terms of scale and presence, to support the appellant's business as outlined within the submitted statement.
9. The proposal would be consistent with Adopted Managing Development Delivery Local Plan 2014 (LP) Policy TB19 which permits outdoor advertising where it is demonstrated there is no harmful impact upon the character or appearance of the area and LP Policy TB24 which supports proposals where they conserve the CA. The proposal would also be consistent within section 16 of the National Planning Policy Framework 2021 (the Framework), more specifically paragraph 199, which requires that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

Highway safety and free flow of traffic

10. The Council's report states that the Highways Officer has reviewed the proposal and notes that it would affect highway safety and the free flow of traffic. Despite this, whilst the Highways Consultee is noted to have recommended refusal, the response which is before me within this appeal (dated 11 March 2022) specifically confirms that there are no Highway Safety Issues with the proposal raised. There appears to be no evidenced reasoning for the Council's claims as to highway safety with regard to second refusal reason.
11. During my site visit I noted that Denmark Street is a single track, one way, road which is double yellow lined either side and that generally traffic was moving at a steady pace through the town centre. It would not obstruct views for road users or pedestrians within the area. I have no evidence before me to conclude that the proposal would adversely affect highway safety or free flow of traffic. This, combined with the consultee response confirming there are no highways safety issues with the proposal, means there are no justifiable grounds for refusal relating to such matters.
12. The Council have referred to Core Strategy Policy CP6 within the refusal reason. Despite this no copies of this policy have been submitted as part of this appeal and, whilst referenced in relation to Highways within the Council's report, this policy is not referred to within the relevant planning policy list. The proposal would be consistent with section 9 of the Framework, more specifically paragraph 111 which confirms that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety.

Other Matters

13. The Highway Consultee raises a query with regard to non-compliance with advertising regulations, however, no further information is provided and this is not raised as a concern within the Council's report before me. I can only determine proposals based upon the evidence before me.
14. The appellant's comments regarding the Council's handling of the application are noted as are comments regarding other types of advertisement, however, they are not within the scope of this appeal which has been determined on its own merits based upon the facts of the case. A lack of objection is a neutral consideration.

Conditions

15. The Council's questionnaire confirms that they do not consider that any condition other than the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 should be imposed in the event that express consent as applied for is granted. The appellant should note the content of these standard conditions.
16. Whilst consent usually lasts for five years I note that the appellant has requested a longer permission in to 2031. The Council have provided no evidence to state that this longer period is inappropriate and I find there is no reason, in this case, for the modest proposal not to be granted for a longer time period subject to the conditions outlined. I have, therefore, allowed consent for eight years from the date of this decision.

17. As a result of this longer timing a condition is applied to remove the advertisement at the end of the express consent period to enable the Council to retain control over the site and the presence of advertisements longer term which I find is appropriate to continue to consider any future impact on the CA at appropriate points in the future depending on the facts of the case and the surroundings at the time.
18. I have added a condition to require that the proposal be removed outside of the gallery working hours to control the presence of the proposal to the minimum required - i.e. to direct potential customers to the gallery during opening hours only.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR