



Appeal Decision

Site visit made on 27 January 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2023

Appeal Ref: APP/T3725/Z/22/3306176

70 Warwick Road, Kenilworth, Warwickshire CV8 1HH

- 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 Replyshort Limited against the decision of Warwick District Council.
 - The application Ref W/22/0894, dated 10 May 2022, was refused by notice dated 29 July 2022.
 - The advertisement proposed is 'Display of 1 no. digital matrix display panel advertisement to northern building elevation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the advertisement was changed after the submission of the application. I have utilised the amended description, which better reflects the nature of advertisement proposed.

Main Issue

3. The main issue for the appeal is the effect of the proposal on the amenity of the area, including the setting of a Grade II Listed Building.

Reasons

4. The appeal site is the flank wall of a two-storey building located on the B4103 Warwick Road, Kenilworth. The Warwick Road is a typical high street comprising of a varied building types with predominantly retail and commercial uses at ground floor with residential or office use above. The variation of building types along the road reflects the historic evolution of the high street. An attractive streetscene is created by a combination of the historic architecture of some of the buildings, the regular yet assorted arrangement of buildings, the modest proportions of all of the buildings and the narrowness of the road itself.
5. The appeal site is at a small T junction with an access road leading to a supermarket. The supermarket is set back behind the built-up frontage of the high street, in its burgage, and thus its larger commercial proportions (which are nonetheless relatively low-profile) do not detract from the modest proportions of the Warwick Road. The listed building adjacent, opposite the

- appeal site across the junction, makes a particularly positive contribution to the character and appearance of the area by virtue of its historic modest proportions and architectural detailing.
6. Although the building on the appeal site does present a two-storey bare brick flank wall to the high street, it is proportionate to the building and the high street as a whole and is thus not overbearing or unduly prominent in the streets scene.
 7. The appeal proposal seeks to introduce a large digital display onto the flank wall, taking up more than half the width of the flank at first floor height. As such, the advertisement would be disproportionate to the more modest proportions and architectural detailing of the host building and surrounding buildings. The siting of the advertisement would be prominent and in stark contrast to the modest proportions and traditional shopfront advertisements of the surroundings.
 8. The Appellant submits that the advertisement would be 'almost invisible' in its location. I disagree for the reasons given above. In any case, the very nature of advertisements is that they should be conspicuous and gain attention; albeit the design, siting and size of advertisements dictates how advertisements affect the amenity of the area.
 9. Moreover, the prominent siting of the large, modern advertisement juxtaposed with the adjacent listed public house would adversely affect the setting of the listed building, leading to less than substantial harm to the heritage asset.
 10. It is acknowledged that various styles of advertisement have existed since immemorial, and that flank sign-painted advertisements were traditional forms of promoting businesses operating from the host premises. However, the appeal proposal would not comprise such an advertisement.
 11. There may be some limited social benefit arising from the advertisement of charities or local events and environmental benefits from digital display. I attribute this limited weight because it is unquantifiable. The advertisement is proposed for general commercial purposes. In any case, it would not outweigh the harm to the amenity of the area, including the setting of a listed building.
 12. The appeal proposal is therefore contrary to the National Planning Policy Framework (the Framework) and policies BE1 and HE1 of the Warwick District Local Plan, adopted 2017. These policies seek, amongst other things, to secure high-quality design and to conserve or enhance the significance of heritage assets.

Conclusion

13. The appeal proposal would have an adverse effect the amenity of the area and would cause less than substantial harm to the significance of a listed building, which would not be outweighed by public benefits arising from the scheme. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR