



Appeal Decision

Site visit made on 10 February 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/F2415/Z/22/3308736

R D Jeacock, 20 Coventry Road, Market Harborough LE16 9BZ

- 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 Malibu Tanning Lounge against the decision of Harborough District Council.
 - The application Ref 22/01269/ADV, dated 23 June 2022, was refused by notice dated 9 September 2022.
 - The advertisement proposed is installation of 3 x window graphics.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the 3 x window graphics on the amenity of the area, with particular regard to the extent to which the character and appearance of the Market Harborough Conservation Area would be preserved or enhanced.

Reasons

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.
4. The appeal property is within the Market Harborough Conservation Area (the CA). The CA covers the historic core of the county market town and its boundaries roughly follow the boundaries of the area originally attached to the Grade I listed Church of Dionysius which is at the heart of the CA. The appeal property is one half of an attractive three bay, three-storey brick building that stands close on Coventry Road contributing positively to the quality of space as you approach The Square. It has a projecting bay shopfront and opaque window graphics have been applied to the front and two side windows advertising the use of the property as a tanning salon.
5. I observed on my site visit that advertisements and signage on Coventry Road and The Square are bright and vibrant, as you would reasonably expect in a

commercial, town centre location. I do not therefore consider that the colours of the graphics should necessarily be muted in this location, or that the side images are 'very bright illuminous' as alleged by the Council. However, the images are occupying all of the available space within the window bay between the fascia sign and plinth, overwhelming the modest shopfront to the detriment of the appearance of the host property.

6. The significance of a CA is widely experienced. Proposals must therefore be judged according to their effect on a CA as a whole and have a moderate degree of prominence. I found that the window graphics, because of their size and siting on all panes of the bay, are highly visible in a prominent location on one of the principal approaches into The Square and broadly opposite the entrance to The Commons public car park. In addition to the harm caused to the host property, they would therefore detrimentally effect the character and appearance of the CA, equating to harm to the amenity of the area.
7. The Council has cited policies GD8, HC1 and RT3 of the Harborough Local Plan 2011 to 2031 (2019) and Part 11 of the Development Management Supplementary Planning Document (2021) in their reason for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been decisive in my determination of this appeal. In addition, I have also had regard to the Framework which notes at paragraph 136 that the quality and character of places can suffer where advertisements are poorly sited and designed.

Other Matters

8. The appellant has drawn my attention to other examples of window graphics close to the appeal property. I am not aware of the status of these, but I note that, unlike the appeal property, they occupy only part of the available window space. Their presence does not therefore alter my conclusions regarding the harm that would be caused by the 3 x window graphics for the reasons stated above. I also acknowledge that the opaque window graphics provide privacy within the tanning salon for both clients and staff. However, I am not persuaded, nor do I have any evidence before me, that it would not be possible to secure a similar level privacy by alternative means. I therefore afford this limited weight.

Conclusion

9. For the reasons given above, I conclude that the 3 x window graphics would cause harm to amenity and the appeal is duly dismissed.

R. Jones

INSPECTOR