



Appeal Decision

Site visit made on 22 February 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/X1545/Z/22/3309378

112 The Causeway, Heybridge, Maldon CM9 4LL.

- 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 Hoy (JJ Windows & Doors Ltd) against the decision of Maldon District Council.
 - The application Ref ADV/MAL/22/00174, dated 10 May 2022 was refused by notice dated 25 August 2022.
 - The advertising proposed is:
 1. 3 freestanding 'plastic object' advertisements at the front entrance of the site;
 2. 6 freestanding 'window' samples at the entrances of the building;
 3. 50 fascia signs on front and side elevations of existing building;
 4. 2 black LED trough flood lights above the adverts on the front elevation of the building;
 5. 1 wooden billboard structure attached to existing wall with 5 LED floodlights above.
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Decision

1. The appeal is dismissed in respect of the 3 freestanding plastic object advertisements (AD45-47), the billboard structure (AD24) and advertisement Nos AD1, AD3-AD5, AD7, AD9, AD12-14, AD25-26, AD28-29, AD32, AD37-38, AD44, and AD50.
2. The appeal is allowed and express consent for the erection and display of advertisement Nos AD2, AD6, AD8, AD10-11, AD15-23, AD27, AD30-31, AD33-36, AD39-43, AD48-49 is granted. The consent is for five 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 illuminated advertisements hereby granted consent shall only be illuminated between when the premises are trading and for up to one hour before opening and one hour after closing of the premises and at no other times.
 - 2) The intensity of the illumination of the illuminated advertisements hereby granted consent shall not at any time exceed the standards contained within the Technical Specifications document and Lighting Assessment submitted with the application.
 - 3) The illumination must be static and no flashing, intermittent or recurring form of illumination is permitted.

Procedural Matters

3. The proposed advertising the subject of this application was originally submitted along with an application for a shipping container and shelter to be used as a café/takeaway. With the agreement of the appellant the two elements were

resubmitted as separate applications with a new description which I have used for the purposes of this decision.

4. Both applications were refused and both decisions have been appealed. Whilst the appeals deal with different proposals and are not formally linked, this decision should be read with the decision on the container/shelter (APP/X1545/W/22/3305388) as the billboard which is part of the advertising proposal is attached to the container/shelter.

Main Issues

5. The main issues in this case are the effect of the proposed advertising on the visual amenity of the surrounding area of The Causeway and the effect on public safety in respect of their positioning in relation to the highway.

Reasons

6. The appeal site forms part of an area along The Causeway which is identified as a Designated Employment Area in Policy E1 of the *Maldon Local Plan* (MLP). The site is currently occupied by a business manufacturing and fitting UPvC windows and doors and ancillary products. The site is in a prominent position close to the centre of Heybridge.
7. Historically part of the site, now part of the business, was also used for car sales and an MOT station with its own advertising. With the expansion of the appellant's business to take over the whole site, former advertising locations have been repurposed for the appellant's business with the result that a large amount of advertising is now on the site.

Impact on Visual amenity

8. The effect of this level of advertising would be that the whole site appears cluttered with an excessive amount of signage across almost every available surface of the buildings. The site is a prominent one near the centre of Heybridge on a junction and the excessive amount of signage has a detrimental effect on visual amenity. The site is the exception on this part of The Causeway where generally the level of business signage is much more restrained.
9. It appears to be common ground between the parties that a lesser level of advertising would be acceptable and the appellant has demonstrated this by removing some of the proposed signage. It was clear at the time of the site visit that some signs had been removed to positive effect.
10. It has been put to me that this could simply be replaced but with a split decision on the appeal it would be possible to control future signage to that necessary to the business such that it would not result in excessive clutter and an adverse effect on visual amenity.
11. Generally, the main fascia signs at a lower level would be justified to advertise the business name and its nature. Site directional signage would also be justified for the safe operation of the site and in any event these tend to be the smallest signs. Sample window and roof lantern units would also be acceptable as these would be moved within the buildings when the business is closed. The proposed banner signage in the easternmost building would also be acceptable as, similarly, this would be obscured by roller shutter doors when the site is not trading.

12. Signage which would appear excessive and have a detrimental effect on visual amenity would be the high level first floor signage between windows, the lower level signage and sample boards which are replicated on the site and the billboard over the container/shelter which is highly prominent and intrusive in the site. It has been put to me that the billboard has been in place for a considerable period of time and other than being strengthened has just been repurposed for the business when the northern part of the site was taken over. However, the billboard because of its position, length and height, if retained, would be the most intrusive signage element of the whole site. Moreover, in views from public footpath No 45 looking west through the site towards The Causeway the rear of the billboard is highly intrusive and detrimental to visual amenity generally.
13. With regard to the proposed illumination for the signage, other than that on the billboard, the lighting takes the form of LED lighting within a black trough pointing downwards over the main fascia signage for the business. In terms of its impact on visual amenity and public safety, because the light source would be obscured and subject to controlling conditions on hours of operation and light levels emitted, the illumination would be acceptable.
14. It has been put to me that all signage is related to the business, in most respects has been in place for many years and is designed to market the services and products on offer and portray the business in a positive light. Whilst the need for adequate business signage is of course important, creating visual clutter as would be the result in this case if all signage were to be allowed would easily have the opposite effect and certainly a negative effect on visual amenity.

Impact on public safety

15. The proposed advertising included some signage in the form of free-standing signs on the edge of the site bordering and in highway land. As a result of objections from the Highway Authority and the refusal of the application these signs have now been removed and the appellant has indicated in his appeal statement that he is happy for these not to be replaced.
16. However, a number of other advertising signs, in particular the billboard above the container/shelter and the first floor signage on the main building, include a lot of information which cannot be taken in with one glance. As these signs are close to the highway on the approach to a junction there would potentially be an element of driver distraction. I acknowledge that all advertisements are designed to attract attention but advertising such as this, clearly visible from the highway, should be able to be assimilated in a brief glance.
17. It has been put to me that this signage is not designed to be read from passing traffic but by customers on site. However, in respect of the billboard, the orientation is away from the main part of the site and towards the road and in respect of the first floor signage the height is designed to be viewed from further back on the road and less from the forecourt. As such the signs would potentially distract driver attention and there would be a detrimental impact on highway safety.

Conclusion and Conditions

18. The proposed signage if allowed in its totality would result in a material and adverse change in the visual amenity of this part of The Causeway with the

potential to also adversely affect public safety on the highway as a result of driver distraction. I have taken into account MLP Policy D6 which seeks to control advertising requiring express consent and so is material in this case. Given that I have concluded the proposal in its entirety would harm visual amenity as a result of excessive, cluttered signage and potentially highway safety, the proposal also conflicts with the criteria in Policy D6.

19. However, I accept that a significant reduction in the number and extent of signs proposed could result in an appropriate advertising signage scheme for the site which would not be detrimental and, given that, I will issue a split decision on the appeal.
20. The 3 freestanding plastic object advertisements (AD45-47), the billboard structure (AD24) and advertisement Nos AD1, AD3-AD5, AD7, AD9, AD12-14, AD25-26, AD28-29, AD32, AD37-38, AD44, AD50 all contribute to an unnecessary and excessive visual clutter on the site and an adverse impact on public safety and for the reasons above the appeal is dismissed in respect of these signs.
21. Conversely sign Nos AD2, AD6, AD8, AD10-11, AD15-23, AD27, AD30-31, AD33-36, AD39-43, AD48-49 for the reasons given above could be accommodated on the site without detriment to the interests of visual amenity or public safety. I do consider however that three conditions would be necessary in the interests of visual amenity and public safety in addition to the standard conditions set out in the Regulations. These are to control the hours of operation of the lighting, to control the intensity of the illumination and ensure the illumination is static. With these conditions imposed the appeal should be allowed and express consent granted in respect of these signs.

P. D. Biggers

INSPECTOR