



Appeal Decisions

Site visit made on 21 February 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2023

Appeal A Ref: APP/V4250/W/22/3309767

55 Wallgate, Wigan WN1 1BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cardtronics UK Ltd, trading as CASHZONE against the decision of Wigan Council.
 - The application Ref A/21/92200/RET, dated 13 July 2021, was refused by notice dated 1 September 2022.
 - The development proposed is described as 'the retention of an automated teller machine and associated signage.'
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Appeal B Ref: APP/V4250/H/22/3309770

55 Wallgate, Wigan WN1 1BE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Cardtronics UK Ltd, trading as CASHZONE against the decision of Wigan Council.
 - The application Ref A/21/92201/ADV, dated 13 July 2021, was refused by notice dated 1 September 2022.
 - The advertisement proposed is described as 'the retention of an automated teller machine and associated signage.'
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of an automated teller machine at 55 Wallgate, Wigan WN1 1BE in accordance with the terms of the application, Ref A/21/92200/RET, dated 13 July 2021.

Appeal B

2. The appeal is allowed and express consent is granted for the installation of automated teller machine signage at 55 Wallgate, Wigan WN1 1BE in accordance with the terms of the application, Ref A/21/92201/ADV, dated 13 July 2021. The consent is for five years from the date of this decision and is subject to the five conditions set out in the Regulations and the following additional condition:
 - 1) The intensity of the illumination of the signs permitted by this consent shall be no greater than 600 candelas per square metre.

Preliminary Matters

3. I could see from my site visit that the automated teller machine (ATM) and the associated signage had already been installed in accordance with the plans submitted for Appeals A and B. I have determined the appeals on this basis.
4. The description of development given in the formal decisions above omits some of the text from the description provided on the planning application form. The omitted text, 'retention of', does not describe acts of development or the advertisement proposals.
5. The Council has referred to the Advertisement Design Guide Supplementary Planning Document (ASPD) in the reason for refusal for application Ref A/21/92200/RET, the subject of Appeal A. The ASPD is, however, not relevant as the decision does not relate to advertisements. I note that the Council has referred to the Shop Front Design Guide Supplementary Planning Document (SFSPD) in its statement of case which the appellant has had the opportunity to take into consideration. Although the Appellant has chosen to not provide comments I have, nonetheless, taken the SFSPD into consideration in the determination of Appeal A.
6. The Council has drawn my attention to the policies it considers to be relevant to Appeal B 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.

Main Issues

7. The main issues are:

Appeal A - whether the development preserves or enhances the character or appearance of the Wigan Town Centre Conservation Area.

Appeal B – the effect of the proposed advertisements on the amenity of the area with particular regard to the character or appearance of the Wigan Town Centre Conservation Area.

Reasons

8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Appeal A

9. The appeal site is located within the Wigan Town Centre Conservation Area (CA), which covers a large part of the town centre. The appeal property is at the end of a row of terraced properties of several styles, with commercial units on the ground floor. The shop frontage designs within the row greatly vary, some retaining traditional shop fronts, but others have been the subject of alterations. When viewed together the row of buildings containing the appeal property makes a positive contribution to the character and appearance of the CA.

10. The appeal property retains a traditional shop front that includes a recessed doorway with curved windows either side. As with most other properties along this stretch of Wallgate, the shop has advertisements at fascia level and vinyl decals applied to the windows containing advertising material.
11. The ATM, subject of Appeal A, is of a standard design and is a common feature in commercial areas. It is within one of the shop windows of the appeal property, set away from the timber frame with a margin of glazing on all sides. The ATM occupies a small proportion of the overall shop front, and the traditional design of the shopfront remains legible, with the curved windows adjacent to the entrance door unaffected. Although a modern feature, given its position within the shop front and the row of properties, which contain other modern features, it does not appear unduly prominent. The introduction of the ATM has therefore not detracted from the quality and appearance of the building or the CA, even when the existing ATM at the Market Station shop is taken into consideration.
12. The window containing the ATM is coated in a semi-opaque film, however, there remains some intervisibility between the street and shop interior even when the window decals are taken into consideration. The scheme has not, therefore, resulted in a material reduction in the property's active frontage to the detriment of this busy town centre location.
13. Alterations have taken place to the existing roller shutter, to enable access to the ATM when the shutter is down. Whilst this draws attention to the ATM, I find that it is the roller shutter which is an incongruous and unsympathetic feature within the CA rather than the ATM.
14. Overall, I find that the ATM, subject of Appeal A, does not harm, and thereby preserves, the character and appearance of the CA. Accordingly, the proposal complies with Policies CP10 and CP11 of the Wigan Local Plan Core Strategy which seeks to prevent development which does not respect the character of the area and conserve and enhance the historic environment. It would also accord with the guidance set out in the SFSPD and the National Planning Policy Framework (the Framework) which have similar aims.

Appeal B

15. The logo panel and top sign advertisements, subject of Appeal B, are integral to the design of the ATM. They are modest in size, proportionate to the scale of the ATM and that of the shop front. The advertisements do not dominate the shopfront or result in visual clutter in the context of the fascia signs and the applied vinyl signage on the appeal property and within the locality. The appearance of the advertisements, including their materials and illumination, are in keeping with, and do not have a detrimental effect, on the amenity of the area.
16. In conclusion, the advertisements in Appeal B do not harm the amenity of the area and would preserve the character and appearance of the Wigan Town Centre Conservation Area.
17. I have also taken into account LP policies CP10 and CP11, the ASPD, and the Framework in my consideration of Appeal B. Given I have concluded that the proposal would not harm amenity and the historic environment, the proposal does not conflict with these policies and guidance.

18. Furthermore, subject to restrictions on their brightness, as recommended by the Council's highway adviser, I consider that the advertisements would not harm public safety.

Conditions

19. In respect of Appeal A, the Council has not suggested any conditions, and I do not consider that any are necessary.
20. In respect of the advertisement consent appeal (Appeal B), the five standard conditions set out in the Regulations are necessary (and they do not need to be repeated in this decision). In addition, as referred to above, a condition restricting the brightness of the advertisements, the subject of Appeal B, is necessary in the interests of public safety.

Conclusion

21. For the reasons given above I conclude that the Appeals A and B should be allowed.

Elaine Moulton

INSPECTOR