



Appeal Decision

Site visit made on 23 May 2023

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/A0665/H/22/3312813

2A Vicars Cross Road, Great Boughton, Chester, CH3 5NL

- 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 S Tyrer, Tyrer's Tiles, against the decision of Cheshire West and Chester Council.
 - The application, Ref 22/00578/ADV, dated 17 February 2022, was refused by notice dated 20 October 2022.
 - The advertisement is described as 'A sign with the business name, telephone number and social media contacts on the fascia on the building that can be seen from the main approaching road. From the top of the sign to the ground is 3.2 metres. The sign is not illuminated.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There are fascia signs on three elevations of the building, and two of the photographs submitted by the Appellant shows the signs on both the rear and west side elevations of the building at 2A Vicars Cross Road. The description of the proposal refers to a single advertisement, and it is clear from the location and site plans that the sign for which consent is sought is that on the rear elevation, referred to on photograph V12 as a PVC banner. For the avoidance of doubt, given the irregular shape of the building, the rear elevation is the south-west elevation which runs alongside the adjacent railway cutting.
3. The case details above give the description of the advertisement from the application form. It is more clearly described as a non-illuminated banner sign on the south-west fascia of the building, and I have considered the appeal on this basis.

Main Issue

4. I consider that the main issue in this appeal is the effect of the advertisement on the amenity of this part of Chester.

Reasons

Amenity

5. The banner sign is in place on the rear elevation of a single storey building positioned in the angle between Vicars Cross Road and a railway line which runs under the road and at a lower level past the rear of No 2A. The appeal site is in use as a shop: whilst the attached two-storey building is in

- commercial use and there are some other commercial premises to the south-west and east along Vicars Cross Road, this part of Chester is a predominantly residential area.
6. The presence of the railway cutting crossed by a bridge creates a gap in the built form along Vicars Cross Road to the south-west of the site. The road curves to the south-west over the bridge, and because of its alignment and the shape of the building, the rear of No 2A is open to views from this direction. The banner sign extends for virtually the full width of the rear elevation. It is a bold horizontal feature in the street scene.
 7. The sign on the narrow west elevation and a sign on the adjacent two-storey building are also visible on the approach from the south-west along Vicars Cross Road, but they are markedly smaller in size. Other signage is not seen as being in close proximity to the site, and the large banner sign is out of keeping with the character of this predominantly residential area, where it appears as a prominent and intrusive feature in the street scene.
 8. The building to which the sign is attached is a single storey structure with a flat roof. There are no openings on the rear elevation, which comprises a plain brick wall below the fascia. Given its size and position, the sign is an incongruous feature on this part of the building. I am also concerned about the extent of signage at No 2A. Fascia signs are present on the front and side elevations, and the additional presence of the banner sign has resulted in a level of signage which is disproportionate to the size of this modest building.
 9. To the south-west, where Vicars Cross Road becomes Tarvin Road, is a contemporary retail development, including Aldi and Home Bargains stores. There is signage on the buildings, but these are set back from the road and views are restricted by vegetation along the nearby canal and buildings on Tarvin Road. A totem sign at the entrance is positioned close to tree cover which lessens its impact. Along Vicars Cross Road to the east of the site, there are advertisements at a petrol filling station, a row of small commercial premises and a tyre depot at the junctions with Green Lane and Pearl Lane. Due to the grouping of these commercial premises, this part of the road has a different character from the location of the appeal site, from which it is clearly separated by residential development.
 10. The Appellant has drawn attention to graffiti at the back of the building and what he considers to be unkempt vegetation on the bank of the cutting. These features are at a lower level than the sign and are not prominent from Vicars Cross Road. In any event, the presence of unattractive elements does not justify the retention of an intrusive and prominent advertisement.
 11. Due to the lower level of the railway than No 2A and the proximity of the adjacent bridge, I anticipate that passengers on passing trains would only have a limited and fleeting glimpse of the sign. However Vicars Cross Road is a well-used road leading towards the city centre, which reinforces my concern about the prominence of the sign.
 12. The Appellant argues that the nearest dwelling is over 100m from the sign. I note also that views from the flats which face the sign from across the railway are filtered by tree cover. That does not lessen my concern about the harmful effect of the sign when seen from Vicars Cross Road.

13. The size and position of the advertisement does not respect the general characteristics of the locality contrary to Policy DM 17 of the Cheshire West and Chester Local Plan (Part Two), and, as it is poorly sited, it is also contrary to paragraph 136 of the National Planning Policy Framework. I conclude that retention of the banner sign would cause serious harm to the amenity of this part of Chester.

Other Matters

14. The Local Planning Authority does not raise an objection due to an effect on highway safety, and there is no other aspect of public safety which tells against the proposal. The absence of harm in this regard, however, does not provide support for retention of the advertisement.
15. The Appellant is concerned that removal of the sign would be detrimental to his business operation: there are though other fascia signs on the building, on the front and side elevations, which convey the information included on the banner sign. He also suggests that he is being treated unfairly as a small business, but each proposal must be considered on its own merits, and I have referred to the differences between the banner sign and other advertisements in the surrounding area above (para 9). These matters raised by the Appellant do not carry weight in support of the appeal proposal.

Conclusion

16. There are no matters which outweigh the serious harm to amenity caused by the banner sign. My overall conclusion, having regard to all matters raised, is that the appeal should be dismissed.

Richard Clegg

INSPECTOR