



Appeal Decision

Site visit made on 19 April 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/F3545/Z/22/3308289

98 High Street Newmarket CB8 8JX

- 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 Merkur Slots Ltd (UK) against the decision of West Suffolk Council.
 - The application Ref DC/22/0097/ADV, dated 17 February 2022, was refused by notice dated 23 August 2022.
 - The advertisement proposed is two non-illuminated fascia signs; one non illuminated projecting sign; bespoke vinyl signs to windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development appearing on the application form sought permission for change of use of the ground floor and basement level at 98 High Street, Newmarket from a Class E use to an Adult Gaming Centre (AGC) (Sui Generis) in addition to advertisement consent. The Council have confirmed that the change of use has been permitted by a (then) concurrent application which matter will not, in consequence, be considered in this appeal.
3. The Council refer to policies which it considers relevant and I have taken these as a material consideration, however Paragraph 136 of the Framework and the Town and Country Planning (Control of Advertisements) (England) Regulations both make clear that advertisements should only be subject to control in the interests of amenity¹ and public safety, taking account of cumulative impacts. No party has alleged harm to public safety, consequently, having regard to these matters, I have outlined the following;

Main Issues

4. The main issue is the effect of the development upon the visual amenity of the area including the effect upon the character and appearance of the Newmarket Conservation Area (NCA).

¹ Which would include historic, architectural, cultural or similar interest

Reasons

5. The appeal site is located in the main shopping area of Newmarket and within its Conservation Area where a variety of shopfronts and related signage appears, including many businesses which display 'corporate' branding in addition to several buildings with traditional shopfronts. 98 High Street is a twentieth-century three-storey commercial building on a corner location with, currently, signage to side and principal elevations.
6. The building is a plainly-fenestrated design currently with monochromatic signage² set in a large, slightly fielded, panels mounted above the entrance frontage to High Street and on the return (side) elevation. The building, therefore, lacks any traditional detailing such as that found on some other shopfronts in the street. However, what is apparent, irrespective of the nature of commercial use is that there is a predominance of signs which use colour in a very restrained way, typically to a single colour used in conjunction with white or black or other very dark tones, and that the proportion of facia occupied by lettering is also small.
7. The West Suffolk Shopfront and Advertisement Design Guidance 2015 (Design Guidance) makes specific reference to the materials and colour used in advertisements and shopfronts, stating that colour is a very important consideration and that '*corporate colour schemes should be adapted to suit the character of the area.....the range of colours used should generally be kept to a minimum*'.³
8. The signage proposed employs bold lettering in two fonts, in white and yellow with red underline and a 'sun' logo is shown in two shades of yellow with a stylised smiling face. The lettering and logo would cover a significant proportion of the surface of the signs. Whilst the use of black would be consistent with the visual character of several sections of street frontage, the extensive application of more than one colour (in addition to white) with a high chromatic content would appear garish and obtrusive, undermining the visual amenity of the street scene.
9. The appellant refers to images of other premises in justification; but I consider CAFFE NERO to exemplify the principles pursued in the Design Guidance by the use of dark coloration to the shopfront and lettering highlighted against a wide expanse of (in this case) a light blue facia in which lettering is subordinate in terms of size but appropriately impactful by virtue of the design. Similarly, although the 'JENNINGS' design incorporates a red disc as well as white lettering, the graphics are compactly arranged such that the lettering appears as a panel within its background rather than individual letters covering a large proportion of the facia surface. Notwithstanding these examples, most well-known corporate logos and signage found in the locality are restricted in colour use and where there are additional colours these sit within a design which is restrained in other ways. Notwithstanding the points raised by the appellant, my observations are that the locations where several colours³ are used in signage or shopfront design are those which tend to undermine the visual unity of the street frontage.

² Blue background with white lettering

³ 'Colour' would exclude tones of black or white

10. Whilst the purpose of signage is to attract attention, even if it were to be argued that the design were appropriate in attracting the attention of customers, the effect, cumulatively, of more signage in multiple colours would be detrimental to the character and appearance of the area. I therefore conclude that the advertisement would, by its inappropriate use of multiple colours and dominant lettering and logo, cause visual harm to the amenity of the street scene. I have taken into account policy DM17, DM2 and DM38 of the Forest Heath and St. Edmundsbury Local Plan Joint Development Management Policies Document 2015 (Local Plan) and the Design Guide; these are material in this case, seeking to preserve or enhance the character and appearance of the Conservation Area and, with regard to advertisements, that such should respect the character of the Conservation Area and the building to which it relates. I have concluded the proposal would harm amenity, therefore the proposal conflicts with these policies.
11. Consequently, notwithstanding the absence of harm to public safety, taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR