
Appeal Decision

Site visit made on 30 May 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/Q0505/Z/22/3310864
39 Newnham Road, Cambridge CB3 9EY

- 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 Ms Amy Onyskiw, Cambridge Dental against the decision of Cambridge City Council.
 - The application Ref 22/02361/ADV, dated 18 May 2022, was refused by notice dated 3 November 2022.
 - The advertisement concerned is an advertisement board on front wall of property with external static illumination.
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Decision

1. The appeal is allowed and express consent is granted for the display of an advertisement board on front wall of property with external static illumination at 39 Newnham Road, Cambridge CB3 9EY, in accordance with the terms of the application, Ref 22/02361/ADV, dated 18 May 2022, subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - a) The advertisement shall not be illuminated outside the operating hours of the business.
 - b) Within six months of the date of this decision, the light fittings shall be replaced by directional light fittings or otherwise shielded from the road in accordance with details to be submitted to and approved in writing by the local planning authority.

Preliminary Matter

2. The advertisement board and external lighting is already in place.

Main Issue

3. The main issue is the effect of the advertisement and its illumination on the visual amenity of the area, including the effect on the character and appearance of the Cambridge Central Core Conservation Area (the CA) and the significance of nearby listed buildings.

Reasons

4. The advertisement board is placed centrally on the front elevation of No 39, a two-storey brick building hard up to the footway on the east side of Newnham Road, a busy section of the inner ring road around the city centre. The road lies within the CA which covers the whole of the city centre and is lined by

- several listed buildings, but is commercial in nature, with several restaurants and shops, particularly on the east side either side of the premises concerned.
5. There is no objection to the advertisement board itself, being only modest in size with discreet and well-designed lettering, logo and flower image. The Council object to the illumination of the display, arguing that illumination is only acceptable in the case of businesses that are open in the evenings and rely on walk in trade. The advertisement is lit by three overhanging globe type light fittings, but this is relatively low-key lighting given the large shop and restaurant windows on either side which would be lit up at night. In addition, the Kerala and Thai restaurants immediately to the north have their fascias lit by a series of external light fittings. Further fittings on the appeal premises would therefore be consistent with the existing street scene.
 6. The building is occupied by a private dentist practice which, according to the board outside, is open from 8am until 6pm Mondays to Fridays. Particularly during the winter months, this will include periods of poor light or darkness at either end of the day. Even if the business operates an appointment system rather than relying on walk in trade, clients still need to be able to locate the premises during periods of darkness and this justifies suitable illuminated signage. A condition could be attached limiting illumination to business hours and the appellant has agreed this would be acceptable.
 7. In addition, the existing globe style fittings allow the bulb inside to be seen from the road, unnecessarily spilling additional light, in contrast to the more sensitive directional fittings lighting the fascias of the adjacent restaurants. To address this, the appellant accepts that a condition could be attached requiring their replacement with more suitable directional lights. A six-month period would be a reasonable timescale for this to be carried out.

Conclusion

8. For these reasons, provided two non-standard conditions are attached (to require the installation of directional light fittings and to restrict illumination to business operating hours) the advertisement and its illumination would not adversely affect the visual amenity of the area, the character and appearance of the CA or the significance of nearby listed buildings.
9. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR