



Appeal Decision

Site visit made on 11 July 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/W2465/Z/23/3318753
123 London Road, Leicester LE2 0QT

- 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 for the display of an advertisement.
 - The appeal is made by Mr A Patel against the decision of Leicester City Council.
 - The application Ref 20221500, dated 20 July 2022.
 - The advertisements proposed are installation of two internally illuminated fascia signs; one internally illuminated hanging sign at front of restaurant (Class E).
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Decision

1. The appeal is allowed and express consent is granted for the display of the installation of the two internally illuminated fascia signs; one internally illuminated hanging sign at front of restaurant (Class E) as applied for. 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 condition.
 - 1) The illumination levels of each advertisement shall not exceed 300 candela per square metre.

Procedural Matters

2. At the time of my site visit advertisements were in place, I have dealt with the appeal on this basis.
3. The application form and lighting assessment state that the illumination levels of each advertisement would be 600cd/m². Notwithstanding this the drawings submitted state that each advertisement would have an illumination level of 200cd/m². The Appellant has subsequently clarified that each advertisement would have an illumination level of 200cd/m².

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the South Highfield Conservation Area.

Reasons

5. The appeal site is a commercial building within the South Highfields Conservation Area, within the setting of a Listed Building, the former Victoria Road Baptist Church. The advertisements the subject of this appeal are located on the front of the appeal site facing London Road.

6. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special attention to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area.
7. In assessing amenity, I have taking into account the advertisements on commercial units within the area. The advertisement before me are internally illuminated fascia signs and an internally illuminated projecting sign on a property within a busy predominantly commercial street.
8. The Appellant has provided photographs detailing illumination of advertisements in the vicinity, some of which are internally illuminated. I observed during my site visit that whilst some advertisements within the immediate area are externally illuminated by directional lighting, advertisements with internal illumination are not out of keeping with the general characteristics of the area.
9. The advertisements are not incongruous to the area or the commercial unit itself. I conclude that the display of the two internally illuminated fascia signs; one internally illuminated hanging sign at front of restaurant are not detrimental to the amenity of the South Highfield Conservation Area. The advertisement would not harm the setting of the nearby listed building.
10. I have taken into account Policies CS03 and CS18 of the of the Leicester City Core Strategy (2014) which amongst other things seek to protect amenity including heritage features and so is material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
11. I find no conflict with the National Planning Policy Framework (2021), which seeks to protect the quality and character of places from poorly sited and designed advertisements and ensure that the historic environment is protected.

Conclusion and Conditions

12. As highlighted in procedural matters above there is a discrepancy in terms of the illumination levels of the advertisements. The Council have recommended the imposition of a condition restricting the maximum level of illumination. In the interest of clarity and to protect amenity I have imposed a condition relating to the maximum level of illumination allowed.
13. The appeal is allowed and consent granted for the display of two internally illuminated fascia signs; one internally illuminated hanging sign at front of restaurant (Class E) on the terms set out in the Decision.

C Pipe

INSPECTOR