



Appeal Decision

Site visit made on 25 July 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/M0933/Z/23/3321828

13 Market Street, Cumbria, Ulverston LA12 7AY

- 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 Steve Smith (WOW North West Limited t/a WOW Vape and Snacks Ulverston) against the decision of South Lakeland District Council.
 - The application Ref SL/2022/1005 dated 2 November 2022 was refused by notice dated 30 March 2023.
 - The advertisement proposed is a back illuminated front fascia sign.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Regulations, National Planning Policy Framework and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies DM3 and DM20 of the South Lakeland District Council Local Plan Development Management Policies 2019 (the DMP) and Policy CS8.6 of the South Lakeland Local Development Framework Core Strategy 2010 (the CS). These policies seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal.
3. Reference is made in the decision notice to the proposal causing 'less than substantial harm' to the surrounding conservation area. However, for the avoidance of doubt, paragraphs 199-203 of the National Planning Policy Framework relate to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990 and are not relevant to advertisement consent appeals. I have proceeded on this basis.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The site comprises a retail unit on Market Street, within the Ulverston Conservation Area (the CA). The immediate surrounds are primarily commercial, with a range of shopfront and signage styles present. However, these signs are largely subtle additions, being of a scale and design that, in the context of the host buildings, ensure the overarching traditional character and appearance of the CA remains readily apparent.

6. The proposal relates to the shopfront signage at the site, which was in place at the time of my visit. It retains the dimensions of the signage previously present at the building, and the rectangular shape prevalent in the surrounds. However, the combination of its bold colours and sizeable lettering spanning much of the frontage width results in it reading as a prominent addition to the streetscene, even among the varied signage present in the surrounds.
7. This prominence would be exacerbated by the proposed illumination of the signage. The description of development provided at the application stage and assessed by the Council is clear that the proposal would be back illuminated. However, the appellant has now stated that the sign would be halo lit, with images provided demonstrating the illumination of the signage during darkness. I carried out two visits to the site, one around 11:00 and the other around 21:15. The signage at the site was not illuminated during either visit.
8. While I noted internal window lighting at certain shops in the vicinity during my evening visit, it is clear that external shopfront signage that is either back illuminated or halo lit is not a defining or common characteristic of the immediate section of the CA. Rather, I observed the majority of illumination of shopfront signage surrounding the site to be in the form of external downlighting, including at the nearby Tesco store. Due to its subtle nature, this allows the traditional feel of surrounds to be appreciated, ensuring it is not detracted from or overwhelmed by an unduly modern form of lighting.
9. By contrast, illuminating the signage at the site either by back illumination or halo lighting would read as overtly contemporary in context. While it may not be as bright as surrounding units or be lit for extended periods, it remains that its form of illumination would read as incongruous in the local setting. It would fail to assimilate with the prevalence of downlights, appearing as an out of place addition in the streetscene that, even alongside the illuminated neighbouring Betfred shopfront, would detract from the overarching traditional character of this section of the CA due to its overall modern appearance.
10. I note the appellant's reference to various signs in the area, including at Ignition and The Farmers, and I also observed a neon sign at an optometrist. I further note that, unlike the appeal site, some of the surrounding buildings with signage are listed. However, it remains that the proposal relates to and is primarily experienced in the context of, the neighbouring and adjacent shopfronts along Market Street, where the proposed signage when halo lit or back illuminated would appear inconsistent with the predominant style and form of surrounding signage. In any event, each scheme is decided on its own site-specific circumstances and merits.
11. My duty under section 72(1) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Overall, the advert would appear visually jarring in the vicinity. The proposal would therefore cause visual harm to a designated heritage asset due to the relationship between the site and the immediate character of the CA. By nature of its siting and appearance, it would therefore fail to preserve or enhance the character or appearance of the CA.
12. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area. Given that I have concluded that the proposal would harm amenity, it conflicts with Policies DM3 and DM20 of the DMP and Policy CS8.6 of the CS which seek to ensure advertisements of

high quality design that are appropriate to their context in terms of the method of illumination, and to preserve the historic environment.

Other Matters

13. I note the appellant's concerns regarding the conduct of the Council both in terms of issuing a decision and prior to the submission of the appeal. However, this does not impact the planning merits of the case. I similarly note the appellant's reference to a lack of objections to the scheme. Nevertheless, it remains that I must ensure that the proposal does not unduly impact the visual amenity of the area and, in any event, note the objection from Ulverston Town Council. The cost to the appellant of the signage is also acknowledged but this is a personal circumstance that does not go to the planning merits of the case.
14. The appellant has listed benefits of the proposal. These include the high quality of the signage compared to surrounding shopfronts which it states need updating, along with the possibility to stimulate trade in the town centre. These benefits are acknowledged however such benefits of a single sign are likely to be modest. Those matters, even when taken together with the other matters above, are not sufficient to outweigh the harm identified.

Conclusions

15. Having had regard to all matters raised, the appeal should be dismissed.

C Rafferty

INSPECTOR