



Appeal Decision

Site visit made on 27 June 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/W3005/Z/22/3313357

71 Sutton Road, Kirkby In Ashfield, Nottinghamshire NG17 8GY

- 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 Theresa Mounsey, Tree of Life against the decision of Ashfield District Council.
 - The application Ref V/2022/0682, dated 08 September 2022, was refused by notice dated 25 November 2022.
 - The advertisement proposed is to display a hanging sign measuring 60cm high by 60cm wide.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the address from that contained within the application form to rectify an ordering issue.
3. The application originally sought consent for a 120cm x 60cm sign, which is referred to in the application form. I have received confirmation from the Council that during the course of the application the proposal was amended to reduce the size of the advert to 60m x 60m. I have therefore referred to the amended proposal in the banner above.

Main Issue

4. The Council have raised no concerns with regard to the effect of the advert on public safety, and I have no reason to disagree. Therefore, the main issue is the effect of the advertisement on the amenity of the area.

Reasons

5. The appeal site is located on Sutton Road, a busy arterial route into Kirkby-in-Ashfield. The immediate context is predominantly residential in character with detached or semi-detached dwellings that are set back from the public highway, with front gardens and parking areas behind low boundary walls or hedgerows. With the exception of telegraph poles and street light columns, which are slender and inconspicuous, the area has a generally open and spacious character that is largely free from any advertisements.
6. The proposed advert includes a timber frame mounted hanging sign, with the advert measuring 60cm x 60cm. The sign would be sited just behind the boundary wall which would be a prominent position, highly visible from the

surrounding area to both road users and pedestrians. The advert would be visually isolated and poorly related to any existing development adding a commercial element to an otherwise residential area. For these reasons, the advertisement would be at odds with the otherwise open and spacious residential character of the area. Therefore, I find that the advert would unacceptably erode the character of this part of Sutton Road, which would be to the detriment of visual amenity.

7. I have had regard to other advertisements in the wider area which have been highlighted. However, I find many of these to be contextually different, either being sited on, or in association with existing commercial premises, or on structures where adverts are commonplace. While I note that some examples cited are on residential properties these are not readily visible in the context of the appeal site. I also do not know the legality of these advertisements and, in any event, I have considered the appeal on its own merits.
8. In accordance with the Regulations, I have taken into account the development plan so far as it is material. I have taken into account policy ST1 of the Ashfield Local Plan (2002) which seeks to protect the character and amenity of the environment and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy. I have also found conflict with paragraph 136 of the National Planning Policy Framework 2021, which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Conclusion

9. I conclude that the display of the advertisement would be detrimental to the interests of amenity. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

D Cleary

INSPECTOR