



Appeal Decision

Site visit made on 22 August 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal Ref: APP/E2340/Z/23/3319775

67 Scotland Road, Nelson, Lancashire BB9 7UY

- 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 Musarat Mahmood against the decision of Pendle Borough Council.
 - The application Ref 23/0025/ADV, dated 12 January 2023, was refused by notice dated 13 February 2023.
 - The advertisement proposed is advertisement screen on front elevation of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on the visual amenity of the host property and surrounding area.

Reasons

3. 67 Scotland Road is a stone built mid-terrace property on Scotland Road, within the town centre boundary of Nelson. The property is located within a row of two storey buildings, all of which have commercial use at ground floor level, and the appeal property has an existing shop front and fascia sign. The appeal site is visible from Scotland Road, as well as New Scotland Road (A682).
4. There are a wide variety of shop front styles and fascia sign designs within the locality of the appeal site, with some properties having traditional shop fronts and others a more modern appearance. The appeal property's timber framed shop front, with its central front entrance door and display windows either side, stone stallrisers, cornice and timber pilasters at each end, is a fine example of a traditional shop front. This shop front not only contributes positively to the character and appearance of the appeal property and the row of properties within which it is located, but also to the wider street scene.
5. The appeal proposal, to replace the existing fascia sign within the shop front with an illuminated advertisement screen, would be a modern addition that would be at odds with, and significantly detract from, the existing qualities and features of this traditional shop front. This would be to the visual detriment of the appeal property, and the character and appearance of the area in general. I therefore conclude that the appeal proposal would have a harmful effect on visual amenity to a significantly greater extent than the existing sign it will replace.

6. I have been referred to the variety of different signs within the immediate vicinity, and wider area, of the appeal site. My attention has been specifically drawn to a large billboard sign, and the large signs affixed to Home Bargains, both of which are close to the appeal site. Whilst I have not been provided with the planning history of these adverts, the existing billboard is located on the side gable elevation of a building, and the signs at Home Bargains have been installed on a large, and more recently constructed, retail building. Whereas the proposed illuminated advertisement screen would be a modern addition that significantly detracts from the existing traditional qualities and features of the appeal property.
7. As such, whilst I acknowledge there are a variety of fascia sign designs within the area, each application is judged on its own merits. In addition, I do not consider that the existing signs are directly comparable to the proposed illuminated advertisement screen, and do not have the same detrimental visual impact as the appeal proposal would.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy ENV2 of the Pendle Local Plan seeks to ensure that all development should deliver high standards of design. The Council's Design Principles Supplementary Planning Document (SPD) (2009) states, amongst other things, that advertisements should not adversely affect the architectural character of buildings and be sympathetic to the surrounding locality and street scene. I have concluded that the proposed advertisement would harm amenity, and therefore the appeal proposal conflicts with Local Plan Policy ENV2 and the Design Principles SPD. For the same reason, the proposal would also be contrary to the provisions of paragraph 136 of the National Planning Policy Framework.

Other Matters

9. The Regulations require that advertisements be subject to control only in the interests of amenity and public safety. The Council have not suggested the proposal would affect public safety, subject to conditions. I see no reason to disagree.
10. I note the proposed LED panels would be more energy efficient than the existing sign. They would also be located within the existing shop front, as is the existing sign. Furthermore, I have been provided with the detail in respect of intensity, the images being static and the fade / dissolve process, and this does not add to the harm I have identified.
11. The signage would enable brand awareness to be enhanced in the town. The sign could also be used for important messages, perhaps from local government, the NHS, or relating to education. Furthermore, I note there is support for the sign from a local representative.

Conclusion

12. I have had regard to the benefits of the appeal proposal, including the energy efficiency levels in comparison to the existing sign, the improvement to brand awareness in the town, and the potential for the sign to display important messages that will benefit the community. However, as detailed above the Regulations require that advertisements be subject to control only in the interests of amenity and public safety.

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the proposed advertisement would harm amenity and the appeal should be dismissed.

R Major

INSPECTOR