



Appeal Decision

Site visit made on 14 August 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/A1530/Z/23/3319878

156C High Street, Colchester, Essex CO1 1PG

- 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 Ali Chaudry against the decision of Colchester City Council.
 - The application Ref 221719, dated 4 July 2022, was refused by notice dated 8 February 2023.
 - The advertisement proposed is for a backlit logo to be displayed along with backlit lettering on 3 individual acrylic panels.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary and Procedural Matters

3. At my site visit I observed that the advertisements were already being displayed. I have dealt with the appeal on that basis.
4. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the development plan policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

5. The main issue is the effect of the advertisement on amenity.

Reasons for the Recommendation

6. Amenity is not defined within the Regulations. Nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the area. For example,

whether the proposed fascia sign would be in scale and keeping with important features.

7. The appeal property is a large 3 storey building located towards the western end of High Street close to the corner with North Hill. It is a Grade II* listed building, comprising a neo-classical façade with a projecting colonnade. The colonnade has 9 pairs of Doric columns which extends out close to the edge of the carriageway. It is also located within the Colchester Conservation Area 1 (the 'CA').
8. The character of the CA is derived from large commercial buildings with fine Art Deco /classical style department store façades, along a wide paved pedestrian High Street. At street level, it comprises a mix of shops, pubs and other commercial uses. This area forms the main retail and commercial core of the town, which focuses on the retail frontage of High Street which is a fundamental part of the town centre heritage. Despite the existence of commercial uses in the area, illuminated shop signs are not a prevalent feature. Shop signs are generally confined to the fascia of the shopfront, in keeping with the guidance in Colchester Borough Council's Supplementary Planning Document Shopfront Design Guide 2011 (the 'SPD') and are mostly non-illuminated and reasonably modest in design.
9. Nevertheless, the SPD does not necessarily discourage illumination, but it sets out that internally illuminated box signs will no longer be permitted on any shop. However, it suggests that where required, the illumination of signs should generally be achieved either by external fittings, be backlit, or by halo lettering. The Council considers that the logo and signs are internally illuminated, while the appellant asserts that they are backlit and in keeping with guidance in the SPD. Regardless of the method of illumination, the white lettering on both the logo and 3 individual panels appears significantly more prominent against the black acrylic background.
10. The combination of the large sized logo and the individual lettering on different levels of the shop fascia appears discordant by virtue of the logo size and prominent location on the building. The appellant suggests that because of the colonnade and porch projection across the pavement, the various shopfronts are not visible unless standing in the road or under the colonnade itself. However, as observed on my site visit, the signs are readily visible from the pavements on both sides of the road. In this location, the illuminated display would be a discordant and unduly prominent feature. The type and design of the advertisement would detract from the building's quality, and it would be visually harmful to the locality, and would fail to preserve or enhance the character or appearance of the CA.
11. For the reasons outlined above the proposal is detrimental to amenity as a result of the harm to the listed building and character and appearance of the CA. It would also be inconsistent with the objectives of Policy SP7 of the Colchester Borough Local Plan 2013-2033 Section 1 (2021), Policies DM15 and DM16 of Colchester Borough Council's Local Plan 2017-2033 Section 2 (2022) and the Framework which collectively, amongst other matters, seek to ensure that development preserve and enhance listed buildings and the character or appearance of conservation areas.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR