



Appeal Decision

Site visit made on 9 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/R0660/Z/23/3320602

78 Wheelock Street, Middlewich, Cheshire East CW10 9AE

- 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 Aravinthan Avi against the decision of Cheshire East Council.
 - The application Ref 23/0755C, dated 23 February 2023, was refused by notice dated 29 March 2023.
 - The advertisement proposed is signboard at the side of the elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the word "resubmission" from the description set out in the above header as this does not form part of the proposed development.

Main Issue

3. The main issue is the effect of the proposal upon the visual amenity of the area including whether it would preserve or enhance the character or appearance of the Middlewich Conservation Area.

Reasons

4. The appeal site comprises a two-storey semi-detached dwelling situated on the corner of Wheelock Street and Lawrence Avenue, within the town centre boundary of Middlewich. Wheelock Street is a busy one-way street which is predominantly characterised by commercial properties at ground floor level, with a variety of both modern and traditional shop fronts and advertisements.
5. The appeal property falls within the Middlewich Conservation Area (the CA) and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The section of Wheelock Street, within which the appeal site is located, is defined by a narrow street consisting of a mix of two and three-storey buildings either side, and this creates a strong sense of enclosure which is a defining and positive feature when walking along the street and within the CA in general. The properties along Wheelock Street vary in age and architectural design and whilst the prominent material is red brick, there are examples of painted or rendered properties, including the appeal dwelling.

7. The appeal property occupies a prominent corner plot within the CA, and whilst its front elevation is in line with the majority of pavement fronted properties on this side of the street, it is set forward of the immediate neighbouring properties to the east. This positioning, along with the gentle curve of the road layout, results in the side elevation of the appeal property appearing set forward of the general building line and is therefore viewed from a long distance when traveling along Wheelock Street from the southeast, either within a vehicle or by foot. The prominence of the appeal dwelling on the street scene is exacerbated by its white render finish.
8. The proposed non-illuminated sign would be positioned above the existing door and window in the side elevation of this residential property, and below the street name sign. The proposed sign's siting, as well as its relatively large size, would result in a visually cluttered and cramped side elevation in this prominent location within the street and CA.
9. My attention has been specifically drawn to an advert on the side elevation of number 73 Wheelock Street (number 73), which is situated close to the appeal site. I have not been provided with the planning history of this advert, however it is not located within the CA and is positioned on the northwest facing side elevation of the building. Therefore, whilst I appreciate this existing sign is visible from the north, it does not face towards the main commercial section of Wheelock Street, or oncoming vehicles using this busy one-way street running through the town centre. The sign at number 73 is therefore not considered to be situated in as prominent a location as the appeal sign would be. Furthermore, this existing sign at number 73 does not result in the same level of visual clutter on the side elevation of the host building as the appeal proposal would. As such, and whilst each application must be determined on its own merits, I do not consider the existing advert at number 73 to be directly comparable to the appeal proposal.
10. I acknowledge that this commercial street does include a number of illuminated advertisements and projecting signs facing onto it, as well as some advertisements affixed to side elevations. Nevertheless, none of the existing signs on the side elevations of buildings are as visually harmful within the street scene, or CA, as the appeal proposal would be due to the prominent forward position of the side elevation upon which the proposed sign would be sited, and the long views that would be afforded of the advertisement along Wheelock Street.
11. With regard to the illuminated signs and projecting adverts, these are predominantly situated on the front elevations of shops along the street and therefore differ to the appeal sign which would be situated on a prominent forward projecting side elevation. Furthermore, whilst projecting signs are also visible from longer views along Wheelock Street, their modest sizes and projections are not comparable to the size of the appeal sign.
12. For the above reasons, the proposed sign would be out of context with other signage within the locality, and result in an inharmonious and visually intrusive feature in the street scene. As such, the appeal proposal would fail to preserve the character and appearance of the CA. I therefore conclude that the appeal proposal would have a harmful effect on visual amenity.
13. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policies SD 1 and SE 7 of the

Cheshire East Local Plan 2010 – 2030 (2017) seek to ensure, amongst other things, that developments contribute to protecting, and a make positive contribution to, the historic environment. Policy GEN 3 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) states that advertisement consent will be supported where, amongst other things, the proposal would not be detrimental to amenity, by reason of position and size, and the proposal is not out of keeping with the character of a building or its surroundings.

14. I have concluded that the proposed advertisement would harm amenity, and therefore the appeal proposal conflicts with these policies. For the same reason, the proposal would also be contrary to the provisions of paragraph 136 of the National Planning Policy Framework (the Framework) which states, amongst other things, that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

15. 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 and I see no reason to disagree.
16. I note the appellant's comments in respect of the Framework and judging any harm associated with the appeal proposal against the public benefits. However, the question of less than substantial or substantial harm in paragraphs 199-202 of the Framework is not relevant to advertisement consent applications, as this only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
17. Whilst Conservation Area Appraisals are recommended and allow for a full assessment of the characteristics of existing conservation areas, the absence of any such appraisal does not diminish the protected heritage status of the conservation area, or override the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
18. I acknowledge that the appeal proposal is a revised and reduced scheme in comparison to a previous refusal of the Council, however this does not materially affect my consideration of the merits of the appeal proposal.

Conclusion

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

R Major

INSPECTOR