
Appeal Decision

Site visit made on 23 November 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal Ref: APP/A1530/Z/23/3315284
123 High Street, Colchester CO1 1SZ

- 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 Lady Sonya Trusty, Red's Tattoo Parlour against the decision of Colchester Borough Council.
 - The application Ref 222862, dated 15 November 2022, was refused by notice dated 16 January 2023.
 - The advertisement proposed is the fixture of GOBO projector to 2nd floor to project the logo to the pavement below.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the display on public safety and the visual amenity of the area, including the effect on the character and appearance of the Colchester Conservation Area (the CA) and the significance of nearby listed buildings.

Reasons

3. The proposal is for a logo image with lettering, about 40 mm tall and 27 mm wide, to be projected onto the pavement below the tattoo parlour which occupies the second floor of No 123 High Street.
4. The premises are situated on the busy High Street, in the heart of the town, which is lined with commercial and retail premises displaying numerous brightly coloured fascia and hanging signs. However, the proposal for a projected sign on the pavement, whilst relatively small, would be an unexpected, alien and intrusive feature in the town centre. The projected sign would be seen as a distracting, non-traditional intervention in the street scene, particularly for pedestrians walking along the pavement, perhaps manoeuvring to avoid the sign and sometimes actually being lit up themselves. Being an unusual and unproven form of advertising, this would be likely to have adverse, unforeseen consequences for public safety.
5. In addition to the commercial/retail setting at pavement level, the premises lie in an important historic environment recognised by CA status and numerous listed buildings including the Grade I Red Lion Hotel and Grade II Nos 45-47 opposite together with the Grade I Town Hall just up the street. Although small and probably transient, as an alien and intrusive feature the projected

sign would detract from the character and appearance of the CA and fail to preserve the setting of nearby listed buildings.

Conclusion

6. For these reasons, whilst drawing attention to and benefiting the business concerned, the projected sign would be likely to adversely affect public safety and would harm the visual amenity of the area, detracting from the character and appearance of the Colchester CA and the significance of nearby listed buildings. The display would conflict with Policies SP7, DM15, DM16, DM20 and DM21 of the Colchester Borough Local Plan Section 1 2021 & Section 2 2022 which seek to preserve the quality of existing places, conserve heritage assets, safeguard walking and maintain safe passage of all highway users. The sign would also conflict with the legislative duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA and the setting of the listed buildings.
7. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR