



Appeal Decision

Site visit made on 15 November 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2024

Appeal Ref: APP/V1505/Z/23/3325503

7 Sun Street, Billericay, CM12 9LW

- 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 Focus Media UK Ltd. against the decision of Basildon Borough Council.
 - The application Ref 23/00404/ABAS, dated 22 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is retention of 1 x 48 sheet freestanding advertising hoarding, measuring 6m wide x 3m high, and comprising timber framed display panel.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant states that the existing hoarding benefits from 'deemed consent' status, and that the council has been provided with documentary evidence to show that the 48 sheet advertisement had been in situ for several decades. However, the council considers it to be a '*new advertisement*', having been erected sometime between August 2022 and January 2023, following a break in the 'continuous' display. Not wanting to get involved in a prolonged legal dispute, the appellant has sought to formalise the situation by submitting a retrospective application for express consent. Thus there has been no application to demonstrate lawful display, and the appeal is to be decided on the basis of its planning merits.

Main Issue

3. My consideration of this case is confined to the issues of amenity and public safety. With regard to the latter, the highway authority raised no objection to the appeal proposal on the basis that it would not be detrimental to highway safety, capacity or efficiency, and from a highway and transportation perspective the impact of the proposal is acceptable.
4. Since the site is situated within the Billericay Conservation Area, I am required to have regard to the general duty as respects conservation areas: "*(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functionsspecial attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
5. Therefore, the main issue in this case is the effect of retaining the proposed

advertisement on the character and appearance of Billericay Conservation Area and on locally listed heritage assets.

Reasons

6. The appeal site is situated roughly half way between the junction of Sun Street with High Street, London Road, and Laindon Road to the west, and the junction with Chapel Street and Southend Road to the east. Whilst largely fronted by residential property, Sun Street is a busy one-way through route. The north side (the appeal site side) of the street mainly consists of 2 and 3-storey terraced houses, with rough-cast or plain render and pebble-dash finishes to their front elevations under low-pitched slated roofs. Those immediately adjacent to the site, Nos.7-17, are designated as being of local interest, and therefore must be regarded as heritage assets. Immediately opposite the site are modern three-storey residential developments of Albion Court and Garland Court. To the west of the site is a motor vehicle repair centre, beyond which, on the corner with the High Street, is an office building
7. The appeal advertisement almost touches No.7. It rises from a plinth, perhaps 1m high, to just below the level of the eaves of the house, and is wider than its frontage. As such it is very much at odds with the scale of No.7 and its neighbours. Whilst the southern side of Sun Street has recent development, and the site to the west of the advertisement is a modern commercial enterprise, the locally listed cottages are a significant element in the character and appearance of the conservation area. In their context, the advertisement is a large and distracting feature devoid of any sensitivity to these neighbours. Whilst the advertisement may have been a feature for some time, it will almost certainly have been a jarring feature to those who inhabit the locality, and as such, in addition to the detrimental effect that it has on the adjoining cottages, it is harmful to the residential amenity of the area.
8. Although the conservation area encompasses a large part of the commercial and retail area of the town centre, I do not accept that this advertisement is essential, or even desirable, to the commercial vitality of the centre. There is no evidence that it draws attention to businesses and services in the town centre, and I regard it as an alien feature and detrimental to its immediate surroundings and the wider area. Furthermore, the argument that there are thousands of such sites which can be found in all major towns and cities across the United Kingdom does not carry persuasive weight in relation to this site and its surroundings. Nor is the argument that the hoarding screens an area of vacant land compelling, since the foliage that is apparent beyond the hording would be considerably more agreeable to the local character and appearance than the advertisement.
9. For these reasons, I consider that the appeal development is damaging to the amenity of the locality and the character and appearance of Billericay Conservation Area and the locally listed heritage assets. It amounts to a low level of 'less than substantial' harm, in the words of paragraph 202 of the Framework. I find that there are no public benefits which would outweigh this harm. Therefore, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR