



Appeal Decision

Site visit made on 30 November 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2024

Appeal Ref: APP/F1040/Z/23/3314489

38 High Street, Melbourne, Derby DE73 8GJ

- 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 Matthew Clayton against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2022/1000, dated 18 July 2022, was refused by notice dated 14 December 2022.
 - The advertisement proposed is for an illuminated projecting sign and a wall-mounted sign.
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Decision

1. That part of the appeal that relates to a proposed wall-mounted fixed sign is dismissed. That part of the appeal that relates to the illuminated projecting sign as found on site (and described as on part of drawing ref: CLAYTON-IDS-590-DR-A-00-10-007 as 'illuminated sign detail') is allowed and express consent granted for its display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The projecting sign hereby approved shall not be illuminated after 23:00 hours in any day.

Preliminary Matter

2. The Council's refusal notice refers to the impact of the proposal upon the setting of the adjacent listed building, No.40 High Street and to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However these duties relate to the grant of planning permission, and not to advertisement consent. Consequently:-

Main Issue

3. The main issue is the effect of the proposal on visual amenity having regard to the character and appearance of the Melbourne Conservation Area .

Reasons

4. The appeal site is a three storey property, apparently nineteenth-century but potentially encasing something much earlier, set at the back of pavement in the small High Street of Melbourne and within its Conservation Area. The appeal site (No.38) is a short distance, around 100m, from Market Place where

a number of small commercial premises are clustered, many of these feature traditional shopfronts headed by console-bracketed sign-written fascias. The built form of the area is characterised by a mix of traditional typologies including, in the section of High Street which joins the appeal site to Market Place, smaller dwellings lining the street mixed in with some later insertions and community uses such as the Church, Assembly Rooms and public car park opposite the site.

5. No.38 stands as having a traditional shopfront to the ground floor, a modest fascia (but painted lettering absent) and the projecting sign, which is one of the subjects of this application, set adjacent. Above the fascia the upper storeys are set with single 4 light and 8-light twin sliding sashes to the upper and middle floors respectively, offset to the left within a rendered principal elevation devoid, above ground floor, of any indication of commercial activity or use. In that regard, the current character of the subject building bears strong similarities with the shopfronts in Market Place where signage appears to predominantly relate to the ground floor usage with lettered fascias over shopfronts. Upper storeys appear mostly void of displays, which lack would be consistent with the likely residential use of upper floors in such settings.
6. I consider the application of signage above the ground floor as proposed in the applied sign proposed would be inconsistent with the character of similar buildings and of the relevant parts of the MCA. It would visually clutter the upper wall surface and inappropriately extend the suggestion of commercial activity into the whole building. I note the appellant points to some examples, including the Melbourne Public House which sits between the appeal site and Market Place, and has a prominent post sign. That, however, is not inappropriate given the primary use of the whole of this early twentieth-century building which, also unlike its neighbours, is set back from its road frontage.
7. I now turn to the extant projecting sign. In outlining the policies and guidance relevant to the proposal, the Council acknowledge that premises such as public houses and similar may require (what they refer to as) 'sensitive and unobtrusive' illumination in relation to display where these are open in hours of darkness as would be the case with No.38. In this case the curvature of the street layout and the gap between the appeal site and what might be regarded as the more centrally-located premises in Market Place or other buildings in community use support the need for some identification in the hours of darkness and a projecting sign of a proportionate size and suitable design, as has been placed, would achieve that. However, it was apparent at the time of my visit that the sign's internal illumination might become obtrusive if it were to persist into night-time hours. However, as the use of the premises at ground floor level contributes positively to the 'high street' character of this part of the conservation area, no harm to amenity would arise if the signage were illuminated when necessary for identification, that is, during hours of darkness but limited to those hours when the premises would normally be open for custom.
8. My observations direct that there would be no significant harm to amenity from the proposed proportionately-sized illuminated projected sign if made acceptable (noting the appellant's indication of time limits for illumination) by conditions to reduce its illumination to the time when the premises might be expected to be open for use. The addition of a sign to the vacant wall surface

above the ground floor of No.38 would, however, undermine the visually settled character of the building frontage which, otherwise, accords well with the prevailing character and appearance of the MCA. I therefore consider the wall mounted sign would harm the character and appearance of this part of the High Street, and therefore, be harmful to amenity.

9. For the reasons given above I conclude that the Appeal should succeed in part only, that whilst the projecting sign as found at the time of my site visit would not harm amenity subject to a condition as to the time it is lit, however, for the reasons given, the proposed wall-mounted sign would unacceptably harm visual amenity.

Andrew Boughton

INSPECTOR