



Appeal Decision

Site visit made on 5 March 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 APRIL 2024

Appeal Ref: APP/L3625/Z/23/3335886

1 Church Street, Reigate, Surrey RH2 0AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Emily Hyder-Smith of The Big Table Group against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/00894/ADV.
 - The advertisement proposed is new signage and awnings in Banana Tree branding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative for this appeal.
3. Since the Council issued its decision notice, the Framework has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.
4. The appeal seeks advertisement consent for 3 nos. fascia signs, 2 nos. internally illuminated menu cases, a double sided projecting sign, acrylic canvas awnings, vinyl logos and barriers. I noted on my site visit that the fascia signage, projecting sign, 1 no. menu box and trough lighting have already been installed. Orange awnings were also in place, but these did not contain the company branding or internally illuminated valances, which are shown on the plans.
5. The appellant alleges that the awnings and vinyl logos benefit from deemed consent. The appellant has drawn my attention to an appeal decision¹, which relates to awnings that benefited from deemed consent. The appeal scheme

¹ Appeal Ref: APP/B1740/H/12/2172158

before me is materially different, as the plans show that the valance of the awnings would be internally illuminated. The current appeal follows an application for express consent, which included the awnings and vinyl logos. I have therefore determined the appeal on this basis.

6. The appellant advises that the freestanding menu unit and umbrellas do not include advertisements and do not form part of this appeal. The freestanding menu unit and umbrellas are not included on the application form. Consequently, I have not considered them as part of this appeal.
7. The Council raises no concerns in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view.

Main Issue

8. The main issue is the effect of the advertisements on amenity.

Reasons

9. 'Amenity' as defined in the PPG, is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement. The PPG advises that the local characteristics of an area are relevant when assessing amenity, including the presence of any feature of historic, architectural, cultural or similar interest. The Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.
10. The appeal property is a locally listed building. Its significance insofar as is relevant to this appeal is derived from its Victorian architecture, three storey form, use of traditional materials and regular pattern of sash windows. The appeal property occupies a prominent corner plot within the town centre. There is a restaurant and retail unit on the ground floor, with commercial units and a yoga studio above.
11. There are a mix of uses in the area, including retail, restaurant, drinking establishments and commercial uses. The ground floor units typically have an active frontage. There are a variety of advertisements in the locality, including those of a traditional form and appearance. Where advertisements are illuminated, these are generally externally illuminated.
12. The appeal site lies within the Reigate Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'. The significance of the CA insofar as is relevant to this appeal is derived from its historic high street, which is orientated around the Old Town Hall and its sloping topography, with the former Reigate Castle and its grounds at the highest point.
13. The area contains a large number of historic buildings (including listed and locally listed buildings) of differing architectural styles and periods. The appeal site is located at the entrance to a pedestrian thoroughfare that leads to a Grade II listed tunnel. The presence of historic buildings and structures, including the appeal property contribute to the significance of the CA and the character of the area.

14. The fascia signs comprise of folded aluminium trays, with mesh panels mounted to the faces, which are illuminated by trough lighting. I find that the size of the lettering is proportionate to the size of the fascia. The Reigate Town Centre Shop Front Design Supplementary Planning Document April 2020 (the SPD) states that the use of modern materials, such as aluminium should be avoided. The SPD also states that illumination should be restricted to the logo/words only. While the appellant advises that the trough lighting has been replaced as like for like and the fascias have a matt appearance, the use of modern materials, including the mesh panels appear harmfully out of place on this historic building.
15. A projecting hanging sign has been installed on the Church Street elevation, which is externally illuminated by LED trough lights. The appellant advises that the projecting sign is in the same position and smaller in size than the previous projecting sign, which was also lit by trough lights. The projecting sign consists of aluminium trays and aluminium bullnose frames to both sides. The modern materials, extent of trough lighting and thickness of the projecting sign fails to respect the character and appearance of the area.
16. The Council advises that the previously consented awnings were dark red in colour, contained no advertisements and were far more subdued in their appearance. The use of internal illumination, extent of advertisements on the awnings and garish colour would fail to respect the historic character of the host building and the area.
17. The scheme also includes vinyl logos, which would be applied internally to the entrance doors. This conflicts with the SPD, which discourages signage on the internal face of the display glass. The appeal also seeks consent for 2 orange barrier banners, which feature the company's branding and would be sited along the pedestrianised road, which leads to the listed tunnel. The extent of advertisements and the garish colour appears harmfully out of place in the area and harms the historic environment.
18. Overall, the advertisements, by reason of their colour, materials, use of external and internal illumination and number of advertisements causes visual clutter and harms the amenity of the area. The scheme fails to respect the historic environment and harms the character and appearance of the CA and the locally listed building.
19. For the reasons given above, I conclude that the advertisements are harmful to amenity. Although not determinative, I have had regard to Policies NHE9 and DES10 of the Reigate and Banstead Local Plan Development Management Plan September 2019 (the Local Plan). These policies among other things require that advertisements do not harm the character and appearance of the locality; do not add unacceptable street/visual clutter and would not have an adverse impact on the character, features and appearance of a CA or heritage asset. These policies also require that development protects, preserves and wherever possible enhances, the Borough's designated heritage and non-designated heritage assets and historic environment.
20. The proposal would also conflict with the Framework, which acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

21. The appellant alleges that the fascia signs, trough lighting and projecting sign are similar in appearance to others within the CA. Full details and the circumstances of the other examples are not before me. Furthermore, the other schemes may have preceded the adopted Local Plan and SPD, which are material considerations. Nevertheless, I am required to determine each appeal on its individual merits.
22. I acknowledge that the Council's delegated report refers to pier and side wall signs, which do not form part of the scheme before me. However, this does not alter my findings set out above.

Conclusion

23. For the reasons given above, I conclude that the advertisements would be harmful to amenity. The appeal is therefore dismissed.

A James

INSPECTOR