



Appeal Decision

Site visit made on 22 April 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Appeal Ref: APP/U3935/Z/23/3331084

130 Victoria Road, Swindon SN1 3BU

- 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 Mr Cod (Old Town) against the decision of Swindon Borough Council.
 - The application Ref S/ADV/23/0885/RACH, dated 5 July 2023, was refused by notice dated 15 September 2023.
 - The advertisement proposed is Replacement of existing externally illuminated banner sign and part (internally illuminated) Fascia sign with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As this appeal relates to an advertisement consent, in accordance with the Regulations¹, their effect on amenity and public safety are the only matters to consider. Therefore, I have taken into account the provisions of the development plan so far as they are material.
3. The site is located outside the boundary of the designated Old Town Conservation Area. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.

Main Issue

4. As public safety is not in dispute between the parties, and I have no reason to contradict this, therefore main issue is the effect of the proposed advertisement on amenity.

Amenity

5. The appeal site is located close to the defined boundary of the Old Town Conservation Area (CA). I am therefore mindful of my statutory duties in respect of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act). With this in mind, Swindon Old Town originates as a market centre from the medieval period with much built expansion arising from the mid-19th century laid out on a narrow street pattern of a medieval layout. The harmonising use of local materials with historic shop fronts and much

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

authentic looking signage contributes positively to the overall sense of place. This together with the variety of cottages, manor houses, mews and inns and market square are characterful and this varied architecture lends to the significance and distinctiveness of the CA.

6. The appeal site is the gable end of Mr Cod, a hot food takeaway premises within Swindon town centre. The front elevation faces the main arterial route of Victoria Road and the large undeveloped gap that remains adjacent to Prospect Place, and location of Broadcasting House creates a wide space where the gable end appears visually prominent within the street scene. This gable end is already adorned by an externally illuminated sign displaying the choice of food available for sale from the premises together with a low-level fascia sign advertising Mr Cod.
7. The proposed advert would replace the existing large flat sign and fascia sign with a modern digital LED advertisement with changing content around every ten seconds, with its location and orientation affording views from the passing motorist and pedestrian from various vantages.
8. It would be of a very different characteristic to the existing adverts it would replace as it would be a modern LED display with regularly changing digital imagery experienced in a context where adverts are predominantly associated with the units they are displayed upon. Furthermore, these are in the main fascia displays of a traditional character with modest external lighting. Whilst there is a large existing sign it would replace, it is nevertheless non-digital, non-internally illuminated and one dimensional. Although this new signage would also be of a large scale, it would be of a new form of digital advertising introducing a garish and obtrusive feature into the local area.
9. There is a short degree of separation between the site and the boundary with the CA and I could see it is experienced in views into and out of the CA. Whilst the setting of the heritage asset is not fixed and can change and evolve over time, it is nevertheless sensitive to change, and development should safeguard the historic interest and character of the CA. As this proposed display of a very modern and digital character with imagery changing at regular intervals would integrate poorly into its context, it would have a discernible effect upon the setting of the CA to which it would not preserve or enhance. This would therefore result in some diminishing of the significance of the CA.
10. Irrespective of adverts brought to my attention by the appellant elsewhere, they are not of the same circumstances as this before me and one is located in a different part of the UK. When viewed in this context, it would introduce a discordant feature that would appear as incongruous and would thus cause visual harm to the amenity of the local area.
11. To conclude, I have taken into account the provisions of the development plan so far as they are material. Therefore, it would not meet the aims and objectives of the Swindon Local Plan policies DE1 and EN10 as they encourage high quality design and their aims to safeguard the historic environment, as well as the same objectives of the National Planning Policy Framework in this regard.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed and advertisement consent is refused.

Alison Scott

INSPECTOR

