



Appeal Decision

Site visit made on 8 July 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/A0665/Z/24/3336389

57 Bridge Street Row East, Bridge Street, Chester CH1 1NW

- 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 Matthew Ogden, Mr Barbers Chester Limited, against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/00464/ADV.
 - The advertisement proposed is 2x price lists signs, 2x advert signs, 1x fascia lettering sign, 1x projected swing sign and 1x A-board.
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Decision

1. The appeal is allowed and express consent is granted for the display of 2x price lists signs, 2x advert signs, 1x fascia lettering sign, 1x projected swing sign and 1x A-board at 57 Bridge Street Row East, Bridge Street, Chester CH1 1NW in accordance with the terms of the application, Ref 23/00464/ADV, dated 14 February 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Preliminary Matters

2. The description above of the advertisements is taken from the planning appeal form as this is the most succinct version provided, although I have removed further superfluous detail.
3. At the time of my site visit the advertisements subject to this appeal were already installed. As such, this appeal seeks consent retrospectively.
4. The evidence before me indicates that the Council do not raise any issues with the price list signage affixed to the pillars or the fascia sign. The main issue in this appeal is therefore primarily focused on the other signage.

Main Issue

5. The effect of the advertisements on the amenity of the area.

Reasons

6. The appeal site comprises a barber shop located within the Chester Rows, which are a unique, two-tier system of shops and covered walkways. As noted in the Chester Rows Design Guide (March 2022) The Rows, along with the rich mix of historic buildings (the majority of which are listed), are defining aspects of Chester city centre. They contribute towards the significance of the City

Centre (Chester) Conservation Area (the CA) in which the appeal site is also located.

7. The appeal site is at row level and forms part of a grade II listed building. The significance of the building appears to be derived from its vertical arrangement typical of properties in The Rows and architectural detailing reflective of its time. It makes a positive contribution to the character of the CA.
8. In an appeal for advertisement consent in a conservation area, the test from s72(1) of the Act¹ is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of amenity.
9. However, when dealing with an appeal for an advertisement on a listed building, the statutory duty from s66(1) of the Act requiring decision makers to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest does not apply. This is because s66(1) only applies to applications for planning permission or permission in principle. The setting of a listed building is however likely to be a relevant material consideration.
10. The two advertisements on the cross beams which line the ceiling along the walkway adjacent to the appeal unit are of a limited size and have a muted appearance due to their simple text design and colour, which correlates with the unit's shopfront. Their appearance and positioning are reflective of other advertisements on cross beams in this locality. For these reasons they are not intrusive additions.
11. The A-board does not alter the façade of the premises due to its limited size, sympathetic design and moveable characteristics. The projecting swing sign reflects the design approach of the appeal unit, is of a limited size and in a traditional position.
12. Collectively, the advertisements for which consent is sought are positioned in appropriate locations, are of a high quality and do not result in excessive clutter. They are in keeping with the strong commercial nature of The Rows and the immediate locality in which advertising is abundant. They preserve the special qualities and character of the CA and do not erode the setting of the listed building.
13. Accordingly, I find that the advertisements do not harm the amenity of the area. The Council has drawn my attention to policies CH1, ENV5 and ENV6 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies, and policies DM3, DM17, DM46 and DM47 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies which collectively seek to protect amenity. Whilst I have taken them into account insofar as they are material considerations they have not in themselves been decisive.

Conditions

14. A series of standard conditions are applied as required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements)

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

(England) Regulations 2007, including limiting the consent to five years. As the advertisements have already been installed and due to their design there is no need for any additional conditions.

Conclusion

15. For the reasons given above, the advertisements do not have a harmful effect on the amenity of the area thus the appeal is allowed.

H Ellison
INSPECTOR