



Appeal Decision

Site visit made on 20 August 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/V1260/Z/24/3342751

408 Lymington Road, Highcliffe, Dorset, BH23 5HE

- 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 Robert Redcliffe against the decision of BCP Council.
 - The application Ref is 8/23/0834/ADV.
 - The advertisement proposed is 1 x large board 3.6m x 1.6m on the east gable end.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the proposed advertisement, applicants name and address as they appear on the application form.
3. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does allow the provisions of the development plan to be taken into account if they are material. The Council have drawn my attention to policy HE2 (Design of New Development) of the Christchurch & East Devon Local Plan Part 1 - Core Strategy (April 2014) (C&EDLP). This seeks a high quality of design in all new developments, reflecting and enhancing local distinctiveness. Although the policy largely relates to new development, insofar as it seeks to improve the surroundings in relation to scale and visual impact, I have taken it into account, as the issue of general amenity is material in this case.

Main Issue

4. The main issue is the effect of the proposed advertisement on amenity.

Reasons

5. The appeal site is a three storey semi-detached property located on the northern side of Lymington Road (the A337). The host property comprises a ground floor shop with residential accommodation above. It is surrounded by two and three storey properties with a similar mix of uses forming part of the high street to Highcliffe District Centre (HDC). The styles, form and layout of the properties in the area do vary and there are also a variety of fascia and projecting signs to be found advertising the businesses that occupy the ground floor shops.

6. The properties to the east of the appeal site, 414 – 422 (even) (No's 414 - 422) Lymington Road, are set back from the frontage to the host property. As a consequence, most of the side (north east) gable end to the host property sits in front of No's 414 – 422 and is highly visible from various public vantage points on Lymington Road, in particular to traffic and pedestrians approaching from the east.
7. The appeal proposal involves the erection of a non-illuminated advertising sign measuring 3.6m by 1.6 high up on the gable end. The highest part of the sign would be just above the eaves to the gable end and it would roughly sit at a height that is between the first and second floors. This part of the gable end comprises grey horizontal cladding, which wraps around the frontage of the host property. At the time of my site visit, there were no existing signs on this part of the gable end and only a small 'letting' sign at ground floor level.
8. Paragraph 141 of the National Planning Policy Framework (December 2023) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council have not raised any objection to the proposed sign on public safety grounds. In relation to amenity, paragraph 079 of the Planning Practice Guidance (PPG) chapter on 'Advertisements' (updated July 2019) states that this usually means the effect on visual and aural amenity. The Council's objection relates to the effect on visual amenity only.
9. Within the above context, I agree with the Council that the scale and siting of the proposed sign would have a detrimental and harmful impact on this part of Lymington Road. As I confirmed earlier, the proposed sign would be highly visible and prominent within the streetscene, largely due to the stepped nature of the properties to the east. That prominence would be accentuated by the siting of the proposed sign in an elevated position, well above the ground floor fascia height where you would normally expect to find commercial signage. As there are no similar high level adverts on this part of the road, the new sign would dominate the host and its surrounds, resulting in an adverse affect on the visual amenities of the area.
10. Paragraph 079 of the PPG states that, in assessing amenity, regard should be had to the local characteristics of the area. As I confirmed above, the appeal site occupies a prominent location within HDC, with shops on the ground floor and residential accommodation above. As such, the proposed sign would not be in scale or in keeping with the characteristics of this part of the HDC and having regard to the presence of existing ground floor fascia and projecting signs, the additional sign would have a harmful cumulative impact on the area.
11. Therefore, I find that the proposed sign, due to its scale and siting, represents a discordant and inappropriate feature when viewed in the context of the host property and surrounding area. It would result in an adverse affect on the visual amenities of the host and surrounding area.
12. In reaching this finding, I have taken into account policy HE2 of the C&EDLP insofar as it seeks to improve surroundings in relation to scale, visual impact and local distinctiveness, and so is material to this case. Given that I have concluded that the proposal would result in an adverse affect on visual amenity it would also conflict with this policy.

13. The Appellant argues that the proposed sign would replace two existing signs on the gable end. However, as I confirmed earlier, these signs had been removed by the time of my site visit. Moreover, as the Council confirm in their Delegated Report there are no records of consent being granted for these signs and they appear to have been in place without the benefit of express consent. As I also understand the proposal, the new sign would be available to advertise any local business and it is not being promoted in conjunction with or for the benefit of the host's existing ground floor shop/business.
14. The Appellant suggests that the previous signage had been in place for some 10 years. There is, however, no substantive evidence before me to support that statement. All the evidence available suggests that these signs were not lawful and did not benefit from express consent. Even so, I can only consider the proposal that is before me which simply seeks advertisement consent for the erection of one large sign.
15. The Appellant has also referred to the existence of ten similar signs along the high street, but has not provided any details of these or provided any relevant planning background to these signs in terms of whether they are lawful and/or benefit from consent. As I confirmed earlier, there is no similar signage in this part of the high street. I do accept that there are examples of high level signs further to the west within HDC, but these examples are within the core of the district centre and are not as visually prominent as the appeal proposal would be. Of equal importance, is that the examples I observed related to businesses that occupied the ground floor and in most cases the first floor of the properties in question, and they were, therefore, advertising that business.
16. As a consequence, none of the above considerations affect the findings I have reached on this issue.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR