



Appeal Decision

Site visit made on 27 September 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/P2114/Z/24/3348162

Cowes Town Central Shopping Arcade, 104 High Street, Cowes, Isle of Wight, PO31 7AT

- 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 Steve Tewkesbury against the decision of Isle of Wight Council.
 - The application Ref is 24/00503/ADV.
 - The advertisement proposed is described as freestanding timber signage denoting "The Bird Bar."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. When the appeal application was submitted the proposed advertisement had already been put in place and was sandwiched between the canopy entrance at the side of the appeal building and a lightweight timber structure at the front of the adjacent building. At the time of the appeal site visit both the proposed advertisement and the lightweight structure to the front of the adjacent building had been removed.
3. Since the appeal application was determined the National Planning Policy Framework (the Framework) has been revised, with the current version being published in December 2023. Whilst the wording of the paragraphs referred to by the council and appellant has not changed some of their numbering has. For the avoidance of doubt, I confirm that in my decision I have referred to the numbering in the December 2023 publication.

Main Issues

4. The first main issue is the effect of the scheme on amenity, having regard to its location within the Cowes Conservation Area (CCA) and the setting of The Vectis Tavern which is grade II listed. The second main issue is the effect of the scheme on pedestrian highway safety.

Reasons

Amenity

5. The appeal site is located within the Town Centre Character Area 3 of the CCA, which is described in the Cowes Conservation Area Revision – Town Centre Character Area as a small scale and lively historic centre of a town that is strongly tied to its waterfront and its associated waterfront activity. The area includes steep streets leading off the High Street which afford views to the Solent and mainland.
6. The area is primarily characterised by narrow lanes flanked by a diverse range of predominantly older terraced properties with commercial uses at ground floor level and a mixture of commercial and residential uses on the upper floors. Its function as a town centre and close connections with the Solent and Rover Medina result in a vibrant commercial and tourist area.
7. In the vicinity of the appeal site the otherwise narrow pavements widen and create a focal point within the street scene. This is in contrast to the strong sense of enclosure to the north and south along High Street. At the centre of this area is the Grade II listed The Vectis Tavern which comprises a two and half storey timber framed and gable fronted building. Its historic ties with the Solent are highlighted by the views of the Town Quay from Quay Road, which flanks the northern side of The Vectis Tavern. Immediately alongside The Vectis Tavern is a narrow modern two storey building with rendered walls under a shallow pitched slate roof. Its front elevation includes extensive areas of glazing and a first floor terrace that projects out to the front building line of The Vectis Tavern.
8. Both The Vectis Tavern and the building alongside it are set back from the pavement behind open forecourts. Whilst these forecourts were being used as an extension to the pavement at the time of the appeal site visit, it is clear from the appellants evidence that they have been and likely are still used for external seating.
9. The above features contribute to the character and appearance of the area and the CCA.
10. The appeal building projects forward of these buildings, although it is set back from the pavement and has a staggered frontage. This visually softens the transition between the front building lines of the three buildings.
11. The appeal property comprises a former bank which has been extended and modernised. It is irregular in shape and height, with a combination of rendered and timber clad walls and is now used for retail purposes and a hotel. It also includes The Bird Bar, which the appellant has confirmed is open to the public as well as hotel guests.
12. In relation to the display of advertisements, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that A local Planning Authority shall exercise its powers under these regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
13. The Planning Practice Guidance (PPG) advises that amenity is usually understood to include visual and aural amenity in the immediate

neighbourhood of an advertisement. In relation to areas with important historic and architectural features whether the advertisement is in scale and in keeping with them can be a material consideration. Paragraph 141 of the Framework states that the quality and character of a place can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

14. The Newport and Ryde Commercial Frontages Design Guide seeks to protect the identity of the Island's historic High Streets. Whilst it does not specifically address gantry style advertisements, it provides advice on various aspects of design.
15. Section 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area special regard shall be paid to the desirability of preserving or enhancing their character or appearance. As stated in paragraph 205 of the Framework when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to the asset's conservation.
16. The timber frame of the gantry style advertisement would reflect the use of timber in the host building and its height would reflect that of the adjacent entrance canopy. However, the proposed signage, which would occupy a prominent position within the street scene, would sit below that of the host and adjacent buildings and the structures visual relationship with the existing canopy would be awkward, due to the curved shape of the canopy. The proposal would also have an enclosing impact on the street scene and would partially obstruct views of The Vectis Tavern when approaching from the south. Both on its own and together with the existing street signage and furniture, the proposed advertisement would have a cluttering and degrading impact on the street scene and the setting of The Vectis Tavern.
17. For these reasons the proposal would result in material and unacceptable harm to the visual and aural amenity of the area, including that relating to the CCA and the setting of The Vectis Tavern.
18. I have taken into account policies DM2 and DM11 of the Island Plan Isle of Wight Core Strategy (2012) (CS), which amongst other things seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity the proposal conflicts with these policies, in so far as they are relevant to the proposal.
19. Finally, it is assumed that there is a need for every advertisement consequently the regulations stipulate that only amenity and public safety arguments can be considered. The policies and points raised by the Appellant concerning viability are not related to the amenity of the advertisement itself and cannot be taken into consideration.
20. In relation to the presumption in favour of sustainable development, due to the harm identified above the proposal conflicts with the environmental objective of sustainable development. Also, as required by paragraph 11d)i of the Framework where policies are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing

the development proposed. Footnote 7 clarifies that such assets include designated heritage assets.

21. For this reason, I conclude on the first main issue that the proposed advertisement would materially and unacceptably harm the amenity of the surrounding area, including the CCA and the setting to The Vectis Tavern. In reaching this conclusion I have taken into account paragraph 141 of the Framework and CS Policies DM2 and DM11, so far as they are relevant to the proposal.

Public Safety

22. On one side the proposed advertisement would sit alongside the canopied entrance to the Pinnacle Suites Hotel and on the other it would sit alongside the forecourt to the front of the adjacent building. Within this area there is a clutter of street furniture and signage and the proposed gantry style sign would add to the obstacles within the immediate area.
23. Whilst this could result in some inconvenience for passers-by it would be located on private land and would not obstruct the pavement. As such, whilst it adds to my concerns regarding street clutter and the visual and aural character and appearance of the area, the proposed advertisement would not have a materially adverse impact on pedestrian highway safety.
24. For these reasons, I conclude on the second main issue that the proposed advertisement would not unacceptably compromise public safety. In reaching this conclusion I have taken into account paragraph 115 of the Framework and CS Policy DM2 1, so far as they are relevant to the proposal.

Conclusion

25. Whilst I have found in favour of the appellant on the second main issue, my conclusion on the first main issue amounts to a compelling reason for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR