



Appeal Decisions

Site visit made on 7 January 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal A: APP/W3520/W/24/3350937

8 Ipswich Street, Stowmarket, Suffolk IP14 1AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mehmet Doldur against the decision of Mid Suffolk District Council.
 - The application reference is DC/24/02150.
 - The development is alterations to shopfront including the installation of a shutter box, front fascia sign and side projecting sign (retention of).
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Appeal B: APP/W3520/H/24/3350898

8 Ipswich Street, Stowmarket, Suffolk IP14 1AQ

- 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 Mehmet Doldur against the decision of Mid Suffolk District Council.
 - The application reference is DC/24/02151.
 - The advertisement is installation of internally illuminated front fascia sign and projecting sign.
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Decisions

1. Appeal A is allowed and planning permission is granted for alterations to shopfront including the installation of a shutter box, front fascia sign and side projecting sign (retention of) at 8 Ipswich Street, Stowmarket Suffolk IP14 1AQ in accordance with the terms of the application, reference DC/24/02150, and the plans submitted with it and subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with drawing nos: P105: Site Location Plan; P102: Existing Ground Floor Plan; P103: Existing Elevations & Section; and P104: Existing sign drawings.
2. Appeal B is allowed and express consent is granted for the display of the internally illuminated front fascia sign and projecting sign at 8 Ipswich Street, Stowmarket, Suffolk IP14 1AQ in accordance with the terms of the application, reference DC/24/02151. 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 and the following additional condition:
 - 1) The advertisements permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Preliminary Matters

3. In the interests of conciseness, I have taken the proposal descriptions from the decision notices and appeal forms.
4. As set out above, there are two appeals on this site. One seeks planning permission for alterations to the shopfront, which includes the display of advertisements and the installation of a shutter box. The other seeks express consent to display the advertisements. I have considered each appeal on its individual merits; however, the two appeals are inextricably linked. In the interests of conciseness and to avoid unnecessary duplication I have dealt with the two appeals together.
5. As Appeal B relates to a refusal to grant express consent for advertisements, I have had regard to Section 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). This limits my considerations to those relating to amenity and public safety. Section 3(2) of the Regulations confirms that factors relevant to amenity include the presence of any feature of historic, architectural, cultural or similar interest. 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 Appeal B.
6. The Council raises no objections on public safety grounds. Based on the evidence before me and my site visit, I have no reason to reach a contrary conclusion to the Council on this matter.
7. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024. In this case, the most relevant parts of the Framework remain broadly the same. As a result, I have not sought further comments from the parties on this matter and I am satisfied that no party has been prejudiced by my approach.
8. As the appeal site lies within a Conservation Area (CA) and is near to a number of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
9. I observed on my site visit that the works have already been carried out.

Main Issue

10. The main issue is the effect of the development and advertisements on the character and appearance/amenity of the area.

Reasons

11. The appeal relates to a modern, flat roofed, three storey building, which has retail units on the ground floor and residential above. The shopfront is recessed from the upper floors and set back behind a wide fascia and pillars. The appeal site lies within the Stowmarket CA. There is a diverse mix of historic and modern architecture in the locality and a mix of uses. However, retail units are prominent on the ground floor of buildings along this street. Given the site's location within a primary shopping area, there is a variety of advertisements in the immediate

locality, including internally and externally illuminated fascia signs and projecting signs of various colours, sizes and materials.

12. The CA covers a large proportion of the centre of the town, including the central commercial hub. The significance of the CA insofar as is relevant to these appeals is derived from the diverse range of high quality historic buildings, which include commercial, residential, ecclesiastical and industrial architecture, which signifies the town's evolution as a historic market town. The high concentration of historic buildings and the high quality public realm surrounding them make a positive contribution to the significance of the CA.
13. The appeal site is located close to a number of Grade II listed buildings. '4 and 6, Ipswich Street' (Ref: 1195864) adjoins the appeal property and dates back to the early 17th century. It is two storeys in height and has an early 18th century front, with 20th century shopfronts. The other nearby listed buildings are sited on the opposite side of the road. They include '1 and 3, Ipswich Street' (Ref: 1208919), which dates back to the 18th century and features a 20th century plate glass shopfront with decorative pilasters. '5, Ipswich Street' (Ref: 1208941) dates back to the early 19th century and has a 20th century glazed shopfront. It is three storeys high, with French windows leading onto small balconies. '7, Ipswich Street' (Ref: 1297915) is three storeys high and dates back to the late 18th century. It also has a 20th century plate glass shopfront.
14. Based on the evidence before me and my site visit, I find that the special interest of the listed buildings insofar as is relevant to these appeals is derived from their historic and architectural interests, as an illustration of architecture dating back to the 17th century. The presence of traditional materials, the surviving historic fabric and their pleasing architectural designs contribute to the special interest of these listed buildings. All of these listed buildings are viewed in the context of the primary shopping area in which they are sited, which is characterised by shopfronts of varying styles and designs and advertisements of different designs, colours, materials and sizes.
15. The shopfront is dark grey in colour and set back, when compared to the upper floors of the building. The shutter box is sited at the top of the shopfront and is also dark grey in colour. While the Council states that there are few examples of shutters on Ipswich Street, I observed a shutter on a retail unit opposite the appeal site. Although the shutter opposite is not as wide as the shutter in the appeal scheme, it is bright red in colour and not recessed to the same extent. As a result, it is more prominent in the street scene than the appeal scheme.
16. Given the colour of the shutter and its set back position, I find that it blends in well with the shopfront and is not a prominent feature in the street scene. As a result of the long opening hours of the retail unit, an active frontage would be present during the daytime and evening, when pedestrian movements are likely to be higher. While the shutter would be closed overnight, this would be during the hours of darkness. Given the recessed nature of the shutter and its dark colour, the shutter would not be a prominent feature in the street scene when closed.
17. The fascia and projecting signs are constructed from aluminium and are dark grey in colour and feature individually internally illuminated letters. While they utilise a modern material, they are sited on a modern building and surrounded by many other advertisements that utilise similar modern materials and feature internal

illumination. I observed on my site visit that the appeal scheme signage is more slimline than other signage in the locality. It also has a tasteful and understated colour scheme and is therefore not as visually prominent as other brightly coloured and illuminated advertisements that are present in the locality, including those on nearby listed buildings. Furthermore, there is no compelling evidence before me to suggest that the nearby internally illuminated advertisements are unauthorised or subject to enforcement action.

18. Given the restrained nature of the colour scheme and the fact that only the letters are internally illuminated, I find that the advertisements preserve the amenity of the area, including the character and appearance of the CA and the setting of the nearby listed buildings.
19. For the reasons given above, I conclude that the appeal scheme preserves the character and appearance/amenity of the area. As a result, I find that the appeal scheme complies with the Act and the historic environment policies set out within the Framework. The proposal also complies with Policies SP09, LP19 and LP24 of the Babergh and Mid Suffolk Joint Local Plan – Part 1, November 2023. These policies among other things require that development contributes to local distinctiveness and preserves, enhances or conserves heritage assets in accordance with their significance.

Other Matters

20. The Council states that the appellant failed to submit a Heritage Statement with their applications and has therefore not adequately describe the significance of any heritage assets affected. The appellant submitted a Design, Heritage and Access Statement with their applications, which show the nearby listed buildings and provides further information on the CA. The Council were content they had enough information to make their decision. Based on the evidence before me and my site visit, I am satisfied that I have sufficient information to make my decision.

Conditions

21. In respect to Appeal A, as the development has already been carried out a time frame condition is not required. In the interests of certainty, a condition confirming the approved plans is necessary. In respect of Appeal B, the five standard conditions as set out in the Regulations will apply as confirmed in the Decision paragraph. In the interests of visual and residential amenity, a condition restricting the hours in which the advertisements are illuminated is required. A condition restricting the intensity of the illumination is not necessary as the level of illumination is specified on the application form and accords with the Council's requirements.

Conclusion

22. For the reasons given above, and taking into account all matters raised, both Appeals A and B are allowed, subject to conditions.

A James

INSPECTOR