



Appeal Decision

Site visit made on 5 February 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/W1525/Z/24/3355911

120-134 West End Service Station, Rainsford Road, Chelmsford, Essex, CM1 2QL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Chelmsford City Council.
 - The application reference is 24/01307/ADV.
 - The development proposed is free standing illuminated advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of this application, and the submission of this appeal, the revised National Planning Policy Framework 2024 (the Framework) came into force on 12 December 2024. Given the refusal reason and the nature of the main changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case.

Main Issues

4. The main issues are the impact of the proposal upon i) the character and appearance of the area and ii) designated and non-designated heritage assets.

Reasons

Character and appearance of the area

5. The appeal site is part of a petrol (service) station located on Rainsford Road which is formed of a building utilised as a shop, a large canopy with petrol pumps underneath as well as click and collect lockers and free-standing advertisement banners. The site is noted to be open 24 hours a day. It stands directly adjacent to 118 Rainsford Road, a former Gate House to Coval Lodge to the north, which is Grade II Listed and, therefore, a designated heritage asset. The site is also noted to be in close proximity to a row of locally listed buildings, non-designated heritage assets, known as Critchett Terrace to the south and The Globe to the southwest.
6. The proposal seeks to place a digital advertisement on the edge of the petrol station frontage adjacent to the existing click and collect lockers. The proposal would be in the region of 2.4 metres high, 1.23 metres wide with a digital display facing into the forecourt area. At the time of my site visit I found that the appeal site

is located within a busy area and that the forecourt area was subject to a good level of activity owing to the use of the shop, petrol pumps as well as the existing click and collect lockers/Amazon pick up point (on the other side of the forecourt). The appeal site is surrounded by existing advertisements (though none of the nature that is proposed within this appeal) and associated paraphernalia.

7. Whist I acknowledge the residential use on the opposite side of the road, and the adjacent building, which I believe to be utilised as an office, I do not find that the proposal could be considered harmful to the more general character and appearance of the area by introducing further advertisement/associated paraphernalia to the forecourt setting. The proposal would, arguably, introduce what the Council describe as further clutter; however, I do not find the impact of the proposal would be sufficient, even cumulatively, to warrant refusal in the context of the general character and appearance of the area.
8. The proposal would of a typical design for illuminated advertisements and would be located within an area which I find to be characterised by existing signage and advertisements, as part of petrol forecourt, resulting in the proposal being consistent with the overarching objectives of paragraph 139 of the Framework. I do not find that the proposal, in that regard, is not well designed – it is typical of advertisements of this nature. The proposal would be located within a cluster of existing signage and urban paraphernalia and would, to some extent, be prominent and/or noticeable but that is the general intention with regard to the positioning of advertising in such locations. In this case I do not find that the proposal itself would result in a messy or incoherent appearance taking into account the character, and appearance, of the petrol station and its associated forecourt services.
9. The proposal would be consistent with Chelmsford Local Plan 2020 (LP) Policy DM23 which requires that proposals respect the character and appearance of the area within which they are located. Paragraph 141, of the Framework, is clear in its acknowledgment that the character and quality of places can suffer when advertisements are poorly sited and designed, however, in the context of the first main issue and for the reasons I have outlined I find the proposal acceptable in relation to the character and appearance of the area within which it would located.

Designated and non-designated heritage assets

10. As outlined above the appeal site is located in close proximity to a row of locally listed buildings including Critchett Terrace and The Globe. Paragraph 216, of the Framework, is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. Other than noting their presence, the Council has provided limited assessment as to the impact of the proposal upon the locally listed buildings other than stating that the cluster of buildings surrounding the appeal site creates historical context within the area. Taking into account the existing setting of the appeal site, as a petrol forecourt with associated signage and paraphernalia, taking a balanced judgment and based upon the evidence before me and my site visit, I do not find that the scale of any harm would be sufficient to warrant refusal in the context of the non-designated heritage assets or their significance. Their setting is, I find,

characterised by the presence of the existing service station on the other side of the road and that the proposal would not fundamentally alter their setting or general views thereof within the street scene.

12. The appeal site does, however, stand in immediate proximity to a Grade II Listed building – The Gate House to Coval Lodge. When approaching the proposal, from the west along Rainsford Road, the proposal would be clearly seen on the approach to the designated heritage asset. Whilst the proposal would be seen in the context of the existing forecourt signage and activity, as well as additional facilities such as the click and collect lockers, I find that there are still clear views of the adjacent listed building which would be harmed by the positioning of the proposed illuminated advertisement in front of it when approached from the west.
13. The boundary, between the petrol forecourt and the listed building, is currently characterised by a timber boundary fence, with associated vegetation, and the click and collect lockers which do not visually detract from the listed building which can be seen in views behind the appeal site. Currently there are no illuminated advertisements along the eastern boundary of the service station and the proposal before me, albeit modest in size, would result in illuminated advertisements which I find would detract from its setting. I do not find that the proposal would comfortably assimilate with its immediate surrounding nor do I find that the proposal would result in positive impacts upon amenity in this case.
14. Whilst I acknowledge that the luminance of the advertisement can be controlled according to daylight levels, and that this could be controlled in accordance with the Institute of Lighting Professionals Guidance the illumination would be combined with potential to display 6 advertising campaigns at a time sequencing every 10 seconds which would further contribute to negative impact within views of the listed building. Whilst the sequencing may be based upon, and able to be conditioned upon, static images (no moving or flashing images) and the change in between adverts may take place instantly, I still find that the sequencing and illumination would be inappropriate in the context of the setting of the listed building.
15. Whilst the proposal would be located within an urban area with high levels of nighttime activity, I do not find that the proposal would be absorbed within a familiar environment and whilst displays may often run at a level well below the maximum guidelines for luminance, the proposal would result in a material change to the site as it currently exists. I do not find that the proposal would be acceptable even with the suggested additional controls over the display as suggested by the appellant nor that the proposal would help to modernise the presentation of the site in a manner which could be considered to benefit the character of the area.
16. The proposal at the service station would, ultimately, stand directly in front of the boundary wall to a Grade II listed building and when approached, either on foot or in vehicles, from the west the proposal would be seen in direct views with the listed building in a manner which, as part of sequencing and illumination, would be visually distracting and harmful to the setting of the listed building. I acknowledge this would be seen in the context of the existing forecourt signage and activity; however, the proposal would be visually distracting, notwithstanding the existing forecourt setting, which I find would be harmful to the setting of the listed building. Protection of the setting of heritage assets need not prevent change, however, in this case despite the commercial setting I find that the proposal that is before me would represent inappropriate change in the context of the setting of the heritage

asset and its visibility within the street scene adjacent to the appeal site resulting in less than substantial harm, to a designated heritage asset.

17. The proposal would be contrary to paragraph 215 of the Framework which outlines that where a development proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant outlines what they consider to be significant environmental, social and economic benefits as well as some benefits to digital advertising based upon the evidence before me and, whilst these are acknowledged, I do not find that these equate to public benefits which are sufficient in weight to outweigh the great weight which should be given to the less than substantial harm identified in the context of the setting of the designated heritage asset.
18. The proposal would also be contrary to LP Policy S3 which seeks to conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets - great weight on the preservation or enhancement of designated heritage assets and their setting. The proposal would also be contrary to LP Policy DM13 which outlines that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. Where there is less than substantial harm to the heritage asset this would be weighed against the public benefits of the proposal.

Other Matters

19. I note that the appellant does not consider that the Council worked positively and proactively with them, however, this is outside the scope of this appeal which is not accompanied by an application for costs. I have considered the appeal that is before me based upon its own merits and have found the proposal to be inappropriate for the reasons set out.
20. The appellant has referenced other appeals (page 26 of their statement of case); however, I consider their inclusion to be of limited weight due to the limited information provided other than the appellant's own summary. I have not been provided with, for example, plans or details of the proposals nor a full copy of the decision notice to enable me to consider the context of the assessment nor confirm the appellant's assertion that the site are within a similar context.

Conclusion

21. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR