



Appeal Decision

Site visit made on 11 March 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/G3110/Z/25/3359661

6 Queen Street, Oxford, Oxfordshire OX1 1EJ

- 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 Whittards Of Chelsea against the decision of Oxford City Council.
 - The application Ref is 24/02647/ADV.
 - The advertisement proposed is described as “internally illuminated fascia spanning width of storefront. Externally illuminated projecting sign affixed to proposed fascia.”
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Decision

1. The appeal is allowed, and express consent is granted for the display of “internally illuminated fascia spanning width of storefront. Externally illuminated projecting sign affixed to proposed fascia” 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 conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 350 candela per metre and the illumination shall be static.
 - 2) The advertisements permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The description of development does not refer to the retrospective nature of the proposal, but it is sufficiently clear from the main parties’ cases and my site visit that this is the case. I have considered the appeal accordingly.
4. The above-mentioned regulations set out the relevant considerations for this type of appeal. These are amenity and public safety. The Council do not have concerns in regard to public safety and I have no reason to disagree. My recommendation therefore considers the effect of the advertisement on visual amenity with specific regard to the setting of listed buildings and the Central Conservation Area (CCA). In this regard, and from the Council’s lack of objection to the appeal scheme’s other elements, I have focussed on the illuminated element of the fascia sign.

Reasons for the Recommendation

5. The appeal site is a retail unit on Queen Street which is a historic high street within the CCA. The area comprises retail units on the ground floor with varying uses on the upper levels giving a mixed commercial context. The surrounding buildings are a mix of modern interventions and historic buildings with original features. However, many of the traditional features and proportions have been retained. The shop fronts on the ground floor vary in style and colouring with some having illuminated elements and hanging signs. The Carfax Tower is a Grade II listed building which is prominent in its siting and height and contributes positively to the historic street scene. These features in combination contribute to a mixed but ordered and thus pleasant street scene which has a positive influence on the character and appearance of the area, the significance of the CCA and the setting of the Carfax Tower.
6. The Council refer to the Shopfronts and Signage Technical Advice Note (AN) regarding the unacceptability of the illuminated sign due to the impact upon historic buildings and conservation areas. However, it is important to note that the AN is a guide but is not decisive in this appeal. The main parties have discussed examples of illuminated signs. In most instances they were approved prior to the guidance, however due to the number of them and the style presented, they begin to form the context of the appeal site nonetheless.
7. The illuminated elements of the sign are limited to the wording “Whittard Chelsea 1886”. Due to the narrow building and the resultant sign, the lettering is narrower still, which limits the scale of illumination. The level of illumination from the sign is modest and when viewed in the daylight appears as a white font and not overly striking against the dark blue background. Additionally, relevant conditions to limit the time usage and level of illumination would help to preserve the more historic elements of the CCA. Resultantly the overall sign in combination with the wider buildings retains their traditionality and is largely innocuous. Moreover, the wider impact of the lighting from the sign is minimal and when viewed from various vantage points. Views of the sign against the Carfax Tower are minimal and do not have a direct effect on its visual setting due to other similar signage locally. Moreover, the separation distance means that the proposal is sufficiently detached from the building to not result in any harm to its setting. The varied character of the CCA has evolved over time and this proposal sits comfortably against the mixed context without causing harm to the traditional features identified.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of amenity. The setting of listed buildings is in this case a relevant material consideration in terms of the appearance of the advertisements and consideration of amenity, but the statutory duty related thereto is not engaged. In both cases, the question of considering the harm against the public benefits as required by the National Planning Policy Framework 2024 (the Framework) is not applicable.
9. With this and the above in mind, the signage taken as a whole is acceptable in amenity terms and complies with the 2007 regulations. By association and for the same reasons, the appeal scheme preserves the character and appearance of the CCA and does not unacceptably impinge on the setting of a grade II listed building.

The Council has drawn my attention to Policies DH1, DH3 and DH6 of the Oxford Local Plan 2036 which seek to ensure that proposals are of a high quality with particular regard to amenity and public safety. The policies are a material consideration of the proposal and as a result of the above the scheme would sit appropriately with their aims. Nevertheless, they have not been decisive in the appeal.

Conditions

10. The standard conditions should be placed on the consent as per Schedule 2 of the 2007 Regulations. The Council have recommended a condition that there be no alteration to adverts without written approval. However, as the application is for express consent any deviation would require a new consent and therefore the condition is not necessary. As the lettering is illuminated, in the interests of amenity it would be necessary to apply a condition to limit the luminance level and the hours thereof.

Conclusion and Recommendation

11. For the reasons given above the appeal should be allowed in the circumstances and subject to the conditions I have referred to.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions specified.

John Morrison

INSPECTOR