



Appeal Decisions

Site visit made on 15 July 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: 13 August 2025

Appeal Ref: APP/Z5630/Z/25/3360565

4 - 6 High Street, Kingston Upon Thames KT1 1EY

- 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 Rosa's Thai against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/02633/ADV.
 - The advertisement is described as "new delivery collection window, decoration and signage to existing shopfront".
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Decision

1. The appeal is allowed, and express consent is granted for the display of "decoration and signage to existing shopfront" at 4-6 High Street, Kingston Upon Thames KT1 1EY in accordance with the terms of the application Ref 24/02633/ADV. 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 intensity of the illumination of the advertisement permitted by this consent shall be no greater than 150 candela per metre and the illumination shall be static

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. I have taken the above description from the application form but referred solely to the signage in the decision. The delivery window is the subject of a separate appeal and would be beyond the scope of the advertisement regulations to permit in any case. The changes I have made do not affect the substance of the appeal in either respect nor prejudice the ability of any party to make their case in relation thereto. The appeal also seeks retrospective consent, it being clear from my site visit that the signage has been installed.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets 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 focusses on the effect of the advertisement on visual amenity with specific regard to the Kingston Old

Town Conservation Area (CA), the setting of listed buildings and a Non Designated Heritage Asset (NDHA).

Reasons for the Recommendation

5. The appeal site is the ground floor of the host building and in use as a restaurant. Similar ground floor commercial uses exist locally. The immediate and wider areas are a mix of traditional period, unique and modern architecture. Shop fronts are prominent, and many retain original features. The appeal site is part of a cohesive group of local ground floor uses which have large display windows in a variety of mainly plain colour blocks. This mixed feel, with some levels of coherence, is within close proximity of the grade II listed Guildhall and Clattern Bridge, as well as a NDHA.
6. The appeal proposal comprises two illuminated fascia's on the shop front along with two projecting signs. The facias are contained to the ground floor and do not breach the consistency set by others in terms of their height. They are not on a background and the illumination relates to the lettering only. There is an obviousness and brightness to the red background finish, but this is reflected in the shop front and does not appear as alien against other single colour finishes. It is not therefore unacceptably stark in its contrast. The projecting signs are contextually small and underneath the minimal projection of the ground floor canopy. There are other similar examples nearby. The varied character of the CA has evolved over time and this proposal sits comfortably against the mixed context without causing harm to the traditional features identified.
7. The separation distance and the road detach the appeal site visually and functionally from both the Guildhall and Clattern Bridge. Sufficiently so for it to be read independently within what is otherwise a built up and varied, vibrant in places, area. Such that I am unconvinced that the signage harms their relative settings. In terms of the NDHA, which is the building immediately to the right as one can appreciate the appeal site from the road frontage, is also independent from both the appeal site itself and the signage attached thereto. The containment of the signage to the ground floor and the perpetuating architectural and visual dominance of the upper floors of the host building and the NDHA would ensure that there would be no unacceptable effects on its particular qualities.
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 and conservation areas 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 CA and, for the above reasons, acceptable for the setting of the aforementioned listed buildings and the NDHA. The Council has drawn my attention to Policies CS8, DM10 and DM12 of the Local Development Framework Core Strategy 2012

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 this 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 to secure the plans provided as a condition. However, as the application is for express consent any deviation or change 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. No further conditions are to be imposed.

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