



Appeal Decision

Site visit made on 21 July 2009

by **Anthony J Wilson BA MA DipLA MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
22 July 2009

Appeal Ref: APP/H0738/H/09/2101183
Crystal Buddah Tattoo, 706 Yarm Road, Eaglescliffe, Stockton-on-Tees,
TS16 0JE

- 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 Mr William Gate against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 09/0058/ADV, dated 13 January 2009, was refused by notice dated 24 March 2009.
- The advertisement is a front fascia sign painted on the fascia panel.

Decision

1. I allow the appeal, and grant consent for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main issue

2. I consider the main issue is whether the sign respects the character and appearance of the building on which it is displayed; and that of the Eaglescliffe Conservation Area in which the property is set.

Reasons

3. No 706 Yarm Road is one of a small group of commercial properties standing at the junction of two principal traffic routes which pass through Eaglescliffe. I consider that these very busy highways, and their street furniture, are one of the most noticeable features of the immediate locality of the site. Whilst the new and older properties standing to either side of the site have an interesting appearance, the small, single-storey property which accommodates the tattoo studio and a tanning salon is a much more functional building.
4. The much altered front elevation displays a sequence of small-paned windows, set in relatively large openings, and the doors are furnished with metal security shutters with externally-mounted housings. The eaves of the building, and its shallow pitched roof, are almost completely obscured by a large fascia board, which extends across the full width of the two units. The Council has recently granted advertisement consent retrospectively for an illuminated sign on the larger part of the fascia, above the Vanity Room tanning studio, thereby accepting the principle of the fascia board and its use for the display of advertisements.
5. The un-illuminated, hand painted sign is already in place on the smaller part of the fascia board above the tattoo studio and, in denying consent, the Council

has confined its concern to the contemporary style, colouring and size of the individual letters used.

6. However, the advertisement is effectively a shop sign, displayed in its expected position on a fascia board above the front of the premises to which it relates and it appropriately reflects the nature of the use of the business below. I recognise that the sign painting technique may have more in common with Street Art than traditional sign writing practise but, bearing in mind my findings in paragraph 4 above, I do not consider its contemporary style, or the colouring of the individual letters, is harmful to the character and appearance of the building. The size of the lettering is confined within the limited depth of the fascia board and, as a hand painted, un-illuminated sign, it is also an ephemeral feature, with no long-term, material impact.
7. I acknowledge that the sign is visible in the street scene, particularly in the approach from the south, when travelling up the hill from Yarm. However, when observed in combination with the appearance of the building, the adjacent illuminated sign and the immediate highway environment, I do not consider that it has a sufficiently detrimental effect on the visual amenity of the immediate locality to be unacceptable.
8. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
9. In reaching my decision I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Eaglescliffe Conservation Area. However, I have concluded that the display of the sign does not have any materially detrimental effect on the building, or its immediate locality, and it would thus leave the wider surroundings of the conservation area unharmed. The appeal should therefore succeed.

Anthony J Wilson

INSPECTOR