



## Appeal Decision

Site visit made on 26 February 2014

**by Farooq Rafiq BSc (Hons), MCD, MRTPI**

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

Decision date: 24 March 2014

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### **Appeal Ref: APP/H0738/H/13/2204480**

### **Former Tristar Neasham Site, Allensway, Thornaby, TS17 9DZ**

- 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 McDonald's Restaurant Ltd against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 13/1523/ADV dated 24 June 2013 was refused by notice dated 15 August 2013.
  - The advertisement proposed is the installation of 1 no freestanding totem signs.
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### **Decision**

1. The appeal is allowed and express consent for the display of the installation of 1 no freestanding totem signs as applied for is granted. 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 and the following additional condition:
  1. The intensity of the illumination of the sign permitted by this consent shall be no greater than 400cd/m<sup>2</sup>.

### **Procedural Matter**

2. The appeal was made before the publication of the planning guidance. Its contents have been considered but in light of the facts in this case, the guidance does not alter my conclusions.

### **Main Issue**

3. I consider the main issue to be the impact of the proposed advertisement on the character and appearance of the area.

### **Reasons**

4. The appeal site is located on a road frontage between a McDonald's restaurant and an Asda petrol filling station. It is situated in a predominantly commercial area although residential properties can be found to the east on Stanstead Way. Thornaby District Centre is located on the opposite side of Allensway, which in the vicinity of the appeal site is a dual carriageway. There are a variety of signs in the surrounding commercial area including a totem sign close to the junction between Allensway and Mitchell Avenue.
5. Whilst the proposed totem sign is of a significant size, I consider that its scale would not be out of place in the context of the surrounding buildings and structures, particularly the larger buildings within the District Centre on the

opposite side of Allensway. It would be sited on a corner location but the adjacent access is restricted to tankers serving the petrol filling station. Whilst there are residential properties to the east, these are separated from the proposal by the restaurant and petrol filling station buildings and their surrounding parking and access areas. I therefore consider that the sign as proposed would be an acceptable feature of the commercial townscape along Allensway.

6. Whilst there are numerous other advertisements within the District Centre opposite and on land adjoining the appeal site, many of these are directional other signs providing information. They are not particularly noticeable and views of which are limited by their differing positioning on buildings and land. The proposal would therefore not create an unduly cluttering effect and I am satisfied that it would not have a detrimental effect on the character and appearance of the area.
7. The Council raise concerns over whether this advertisement is needed. However, the Regulations require that decisions are made only in the interests of amenity and, where relevant, public safety. Whilst I have taken account of the presence of other signs, in so far as they relate to the character and appearance of an area, the extent to which they are needed is not a matter to which I have attributed any weight in my decision. Other matters relating to anti-social behaviour, littering and car parking provision relate to the land use rather than this advertisement proposal which is before me.
8. Whilst reference has been made to the Council's Core Strategy Policy CS3 and the National Planning Policy Framework, they are not in themselves determining factors in my consideration of the appeal. In the light of my findings above I consider that the appeal scheme conforms with the requirements of these policies.
9. I have considered the conditions suggested by the Council in addition to the standard conditions set out in the Regulations. I agree that in the interests of the public safety, a condition to control the intensity of illumination is required.
10. For the reasons above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*F Rafiq*

INSPECTOR