



Appeal Decision

Site visit made on 6 May 2014

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 6 June 2014

Appeal Ref: APP/H0738/H/13/2210889

9 Harland Place, Norton, Stockton on Tees, TS20 1AL

- 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 John Graham (Luxor Leisure Limited) against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 13/1897/ADV, dated 30 July 2013, was refused by notice dated 4 November 2013.
 - The advertisement proposed is described as 'shop frontage sign "The Sun Lounge Luxury Tanning Salon".'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have noted that whilst the description of development on the application form and as used by the Council refers only to the existing fascia sign positioned on the shop front, the Council's reason for refusal and officer report also mention two surface mounted banner signs. The appellant has indicated in the grounds of appeal that the two banner signs had been removed from the appeal premises and that there were no plans to reinstate them. Whilst at the time of my site visit the fascia sign was in place on the building but the banner signs were not, the banner signs have been shown on the submitted front elevation drawing of the site. Nevertheless, it is clear from the submissions made by the appellant that the scope of the application and appeal as applied for relate solely to the illuminated fascia sign and not the banner signs, and it is on this basis that I have determined this appeal.
3. Since the submission of the appeal, Planning Guidance has been published resulting in Circular 03/2007 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007', being superseded. I have therefore determined the appeal on the basis of the new guidance.

Main Issue

4. The main issue is the effect that the advertisement would have on visual amenity and, thus, the character and appearance of the surrounding area, having regard to its siting on a Grade II listed building within the Norton Conservation Area.

Reasons

5. The appeal site is within the Norton Conservation Area and is also a Grade II Listed Building. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. A strict control over the display of outdoor advertisements should therefore be maintained.
6. The existing signage in the immediate vicinity of the appeal site and within the conservation area, whilst exhibiting some variation in style and character, predominantly uses more traditional materials, and where illumination is utilised, is externally illuminated. The advertisement on the appeal premises is of a more modern appearance and design, and utilises aluminium and acrylic which, whilst not obscuring the architectural features of the building, conceals the original timber fascia. In addition, as a result of the need to accommodate the internal method of illumination, the sign appears relatively bulky and projects noticeably forward of the fascia and front elevation of the building. Furthermore, the method of internal illumination is at odds with the historic character and appearance of the building upon which the sign is situated, resulting in an overall poor quality appearance to the sign in its relationship with the host listed building. The signage does not reflect the positive qualities and appearance of the more traditionally styled advertisements within the conservation area, and would neither preserve nor enhance the character or appearance of the conservation area, or safeguard the special character and significance of the listed building.
7. The appellants have cited the presence of existing more modern advertisements of varied designs and materials within both the vicinity of the appeal site and across the wider conservation area. However, from my observations at the site visit there is a significant variation in the quality of existing advertisements, with the best examples having incorporated the more traditional features within their designs. I have taken into account the examples referred to by the appellant and addressed by the Council in their evidence, but have found the context of the advertisements to generally be different to that of the appeal proposals, particularly in respect of the means of illumination. This factor has not therefore had a significant bearing on my decision.
8. The Council has referred to policies of the Stockton-on-Tees Core Strategy Development Plan Document 2010 ('the Core Strategy'), saved policies from the Stockton-on-Tees Local Plan 1997 ('the Local Plan'), and the Stockton-on-Tees Shop front Design and Advertisements Supplementary Planning Document 2013 (SPD). Whilst not decisive, I have had regard to Policy CS3 of the Core Strategy, saved Policies EN24 and EN26 of the Local Plan, and the SPD, as material considerations. In this respect, I have noted that that the signs do detract from the visual amenity and the historic interest of the conservation area and the special character and appearance of the listed building. Furthermore I have also had regard to paragraph 67 and Section 12 of the National Planning Policy Framework (NPPF), which seeks to prevent the negative impact of poor advertisements and promotes conservation and enhancement of the historic environment and heritage assets. In this respect, and being mindful of paragraph 133 of the Framework, the illuminated sign would result in substantial harm to the conservation area and listed building.

Other Matters

9. I have noted that the Council's highways team has not objected to the advertisement on the grounds of public safety, subject to the imposition of a condition restricting the level of illumination. However, this would not outweigh the harm which I have found in respect of the main issue.

Conclusion

10. For the reasons given above, I dismiss this appeal

M Seaton

INSPECTOR