



Appeal Decision

Site visit made on 20 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/L3245/Z/23/3315199

30-32 High Street, Whitchurch SY13 1AU

- 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 Paul Keating on behalf of Mini-Cam against the decision of Shropshire Council.
 - The application Ref 22/03327/ADV, dated 18 July 2022, was refused by notice dated 21 December 2022.
 - The advertisement proposed is to erect and display 1 no. externally illuminated fascia sign, 1 no. hanging sign, 1 no. LED digital screen located internally within store & glass manifestation.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. externally illuminated fascia sign, 1 no. hanging sign, and 1 no. LED digital screen located internally within store and glass manifestation at 30-32 High Street, Whitchurch SY13 1AU 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.

Preliminary Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Shropshire Local Development Framework: Core Strategy (CS), adopted March 2011, the Shropshire Council Site Allocations and Management of Development Plan (SAMDev), adopted December 2015 and the emerging Shropshire Local Plan 2016 to 2038. This includes the Council identifying Policies CS6 and CS17 of the CS and Policies MD2 and MD13 of the SAMDev specifically in the officer report as those which they consider the proposal to conflict with. I have taken the policies into account as material considerations, in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.
3. Where relevant, possible effects on designated heritage assets have been considered. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In advertisement appeals this is only in so far as it relates to amenity. The Council has also referred to the effect on the setting of nearby

listed buildings. The related requirements of Section 66(1) of the Act do not apply to proposals for advertisement consent because that statutory duty only applies in considering whether to grant planning permission or permission in principle under the Town and Country Planning Act 1990. Nonetheless, features of historic or architectural interest are relevant when assessing the general characteristics of the area and I, therefore, necessarily take account of the presence of nearby listed buildings in considering the effect on amenity.

Main Issue

4. The main issue is the effect on amenity, including the character, appearance and significance of Whitchurch Conservation Area and the setting of nearby listed buildings.

Reasons

5. The appeal site is located on High Street within the primary shopping area of Whitchurch town centre and lies within Whitchurch Conservation Area (CA). The significance and special qualities of the CA are derived primarily from the many buildings of architectural and historic interest in a comparatively dense layout reflective of its origins as a market town which is particularly evident in High Street, St Mary's Street, Watergate and Green End. As such the dense composition and mix of built form with a range of architectural styles evident in High Street makes a positive contribution to the character, appearance and significance of the CA. This includes as part of important townscape views of built form on an upward slope and gentle curve towards the tower of the Grade I listed St. Alkmunds Church which is visible above buildings on the north-eastern side of High Street.
6. No. 30-32 High Street (No. 30-32) lies close to the midpoint of High Street on its south-western side and therefore, is within the immediate setting of the Grade II listed No. 34 High Street that is separated by Pepper Street and which derives its significance from the architectural detailing of its Georgian façade particularly evident to its upper floor fenestration, moulded cornice and via the stone bands below the first floor windows and chamfered quoins which contrast with a modern shopfront. It is also opposite to the Grade II* listed Old Shop (Nos. 21 and 23 High Street), the significance of which is derived from its timber framing which is representative of earlier construction methods, together with later alterations demonstrating its historic use as firstly a house and then subsequent conversion to retail identifiable via its distinctive and unique 19th century shopfront. The Grade II listed Nos. 19 and 19A High Street, adjoin the Old Shop and have group value with it due to similar timber framing and a shared passageway, but have been more substantially altered which is particularly evident through the presence of a modern shopfront.
7. In contrast to the nearby listed buildings, which make a positive contribution to the CA that prevails even with the addition of some modern shopfronts due to the historic and architectural interest of upper floors, No. 30-32 has been subject of extensive alterations to its High Street elevation and consequently is of little historic or architectural interest. Its main contribution to the significance of the CA is, therefore, as part of townscape views in High Street influenced by the sloping land levels and the road gently curving away. In that context it is seen obliquely and not prominently, amongst surrounding buildings that have a diverse mix of architectural style, fenestration patterns and shopfronts at ground floor level. In the latter regard, the evidence before me

includes photographs of a previous externally illuminated brightly coloured uPVC fascia sign and roller shutters which clearly contrasted with and detracted from the local character of the CA. However, at the time of my visit, the previous signage and roller shutters had been replaced by external alterations to the shopfront associated with the change of use to a hot food takeaway granted separately by the Council under reference: 22/01228/FUL and the installation of signage subject of the appeal before me.

8. The proposed advertisements subject of this appeal are related to a Dominos hot food takeaway use of the premises and include an externally illuminated fascia sign comprising individually built-up white lettering and logo mounted directly to a panel, and an externally illuminated double-sided hanging logo sign on aluminium panels fitted within a decorative framework and wrought iron decorative scroll work bracket. The signs both have grey coloured main panels and were in place at the time of my visit whereby I observed that their appearance with respect to colours, materials and scale are complimentary to the new shopfront and the host building as a whole. The signs assimilate appropriately with the prevailing character nearby which comprises an eclectic mix of modern and traditional shopfronts, including fascia and hanging signs with different and more prominent scales, forms, colours, lettering and logos visible along High Street. In that context, I find that the design of the fascia and hanging signs of themselves are comparatively subtle and do not look out of place when viewed alongside the surroundings, including the more conspicuous signage on the Grade II listed No. 34 High Street. Furthermore, by visually assimilating appropriately with their surroundings during daylight hours amongst the varied window displays both surrounding and opposite, the signs do not detract from the character and significance of the CA, the setting of the Grade II* and Grade II listed buildings opposite or townscape views along High Street of the Grade I listed building that form part of its setting.
9. The fascia and hanging signs are lit from above by external slimline trough lights which I observed to be discreet and unobtrusive features. External illumination of shopfronts along High Street and elsewhere in the CA is not a widespread feature and many town centre retail and commercial premises maintain a low-key profile at night-time with only infrequent lighting featuring within the overall townscape. Nonetheless, this includes notable and less subtle examples of external lighting of ground floor frontages elsewhere in High Street associated with uses which remain open in evenings such as other hot food takeaways, public houses and restaurants, together with a more limited number of shopfronts in High Street including close by and also within Green End. The prominence of the external illumination of the exterior signs in this particular location is also reduced by the presence of a street light mounted on the adjacent building and an externally illuminated no entry traffic sign on the corner with Pepper Street. When taken with those forms of illumination and the visible internal lighting within the shopfront of the hot food takeaway that is permitted to open into the late evenings, the externally illuminated signs would not be overly conspicuous whilst the LED digital screen is suitably installed in an interior position within the glazed shopfront that assimilates appropriately with the internal lighting and décor. I, therefore, find that the size, siting and style of the externally illuminated advertisements and internal LED digital screen when considered together reflect well-designed signage suitable for the permitted use in this particular town centre location and the CA so as not to harm its character, appearance, or significance.

10. In reaching the above findings, I have taken into account that the Council have indicated that only a limited number of consents for external illuminated signs have been granted under a previous policy regime and that the remainder do not benefit from express consent. However, most examples of external illuminated signage appear to be well established and there is no evidence of enforcement or discontinuance action being brought by the Council. In any case, I find that the advertisements subject of this appeal, including the use of discreet and unobtrusive illumination, are not harmful to the surroundings given the comparatively well-lit context arising from the permitted hot food takeaway use opening during hours of darkness into late evenings. In reaching that view I am satisfied that the proposal preserves the significance of the CA, together with the associated settings of the aforementioned listed buildings and how their special qualities, historic and architectural interest are experienced.
11. Having regard to all of the above, I conclude that the proposed advertisements do not harm amenity, and thereby preserve the character, appearance and significance of the Whitchurch Conservation Area and nearby listed buildings. The proposal, therefore, does not conflict with Policies CS6 and CS17 of the CS and Policies MD2 and MD13 of the SAMDev or the Framework in so far as they are material to such matters.

Other Matters

12. The PPG sets out advertisement considerations affecting public safety on roads, together with the location and main types of advertisement which may cause danger to road users. In that respect, whilst the signs subject of the appeal face towards and along High Street, they are sited on and within a building at ground floor level close to other forms of illumination and are viewed amongst a variety of other signage from public vantage points. In such circumstances, the advertisements do not command undue attention, so as to unduly distract drivers and pedestrians taking the appropriate level of care as they negotiate the lightly trafficked one-way route. I, therefore, find that the advertisements do not have a detrimental impact on public safety.

Conditions

13. The five standard conditions set out in the Regulations are necessarily imposed. The Council have suggested additional conditions to set out the five year duration of the express consent and requiring compliance with the approved plans, drawings and documents. However, a specific time limit condition is not necessary given that the Regulations are clear that an express consent is for five years unless otherwise stated. Furthermore, given that the advertisements subject of the appeal are as applied for and were in place at the time of my visit it is not necessary to impose a plans compliance condition.

Conclusion

14. For the reasons given above, I conclude that the display of the proposed advertisements are not detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed and express consent granted subject to the conditions set out.

Gareth Wildgoose

INSPECTOR