The Planning Inspectorate

EST 1909

Appeal Decision

Site visit made on 26 October 2010

by Stuart M Reid D Arch (Hons) RIBA

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

Decision date: 22 November 2010

Appeal Ref: APP/M3835/H/10/2132303
The Range, Unit 1, Pages Corner, Ham Road, WORTHING BN11 2QL

- 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 The Range against the decision of Worthing Borough Council.
- The application Ref WB/10/0219/ADV, dated 20 March 2010, was refused by notice dated 21 June 2010.
- The advertisements are: internally illuminated red and blue logo and blue lettering on southern elevation; 8 no. externally illuminated folded powder coated aluminium pans with digital graphics on southern elevation; and internally illuminated acrylic logo on southern elevation.

Decision

1. I allow the appeal, and grant consent for the display of the advertisements as applied for. The consent is for 5 years from the date of this decision and is subject to the five standard conditions set out in the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* and the following additional condition:

   1) The advertisements hereby permitted shall be illuminated only between the hours of 0730 and 2030 Monday to Saturday and at no other time.

Main Issue

2. From my inspection of the site and its surroundings, and from the written representations made, I consider that the main issue in this appeal is the effect that the advertisement has on the amenity of the surrounding urban area.

Reasons

3. Powers under the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* may be exercised only in the interests of amenity and, where applicable, public safety. Policies in the *Worthing Local Plan* relate to the control of advertisements, and I shall take them into account as a material consideration. In determining this appeal I shall also take into account relevant Government advice that is contained in Planning Policy Guidance: *Outdoor Advertisement Control* (PPG19) as amended. The Council have raised no public safety concerns, and I agree with their view.

4. The appellant has submitted suggested amendments to the advertisements, which are as a matter of fact already in place on the appeal building. However, I cannot take the amendments into account in determining this appeal, as I am

dealing with the application as made, refused and appealed, which is on the basis of the signs as already installed.

5. The Council have granted consent for some of the existing signs on the building. The signs before me are related in design, but the Council consider that they are too large. The appeal building is a substantial and prominent building, but the signs are in proportion to its size, and also to the relative size of the individual areas on which the signs are fixed, including the large area of brickwork at the west end of the south elevation, and the large area of blue cladding on the south elevation where the smaller signs are fixed.

6. The signs are by no means unacceptably large or over-dominant in the street scene, and their size does not of itself cause harm to public amenity. That is, not least, because they are attractive and well-designed, colourful and informative, and thoughtfully positioned and installed on the building. They convey an image of quality, with a coherent and consistent character. They provide relief, interest, and variety, to what would otherwise be a rather uninteresting and unattractive, even bland, elevation. Local people have raised concerns about the illumination of the signs. It seems to me to be reasonable to control the hours of illumination, bearing in mind the number of dwellings nearby.

7. I therefore consider that, subject to control of the illumination, the advertisements do not harm the amenity of the surrounding urban area, they satisfy the relevant Local Plan Policies, and I shall allow the appeal subject to a condition.

Condition

8. The Council have imposed a condition restricting the hours of illumination on the signs that they have granted consent for. It would be sensible and reasonable to impose a similar condition on these signs, to protect the amenity of nearby residential occupiers. However, if any change is sought it will be necessary to make a planning application to the Council in that regard. The Council do not have the power or authority to agree in writing to change the condition without an application for consent being made and, amongst other matters, public consultation taking place on the application. I shall therefore omit in this grant of consent the last part of the condition used by the Council in their grant of consent for the other signs.

Conclusion

9. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity of the surrounding urban area.

Stuart M Reid

INSPECTOR