



Appeal Decision

Site visit made on 27 August 2013

by Nicholas Taylor BA (Hons) MRTPI

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

Decision date: 4 September 2013

Appeal Ref: APP/T2350/H/13/2196097

Green Solicitors, 79 King Street, Whalley, Clitheroe BB7 9SW

- 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 Ian Proctor (Green Solicitors) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2012/1079, dated 21 November 2012, was refused by notice dated 7 February 2013.
 - The advertisements proposed are 2 No. signs, internally illuminated, matching materials.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the signs on visual amenity and whether the character and appearance of the Whalley Conservation Area would be preserved or enhanced.

Reasons

3. The conservation area comprises the mainly commercial area at the centre of the town, together with a number of surrounding streets and the open spaces beside the river and around the abbey. Its character and appearance is, therefore, varied, ranging from small, two storey cottages to more substantial commercial buildings and inns together with a number of large buildings, including the abbey and churches, and open spaces. The part of the conservation area in which the appeal property is located is distinctive, with several short terraces of 'Tudorbethan' buildings facing across King Street towards a church, several houses and a small public open space. The location marks a transition from commercial to primarily residential uses and is described in the *Whalley Conservation Area Appraisal (CAA)* as having a more spacious, suburban character.
4. The appeal property, of which the appellant occupies the first floor, is at the end of one of the Tudorbethan terraces, which are of substantial appearance and attractive design with black and white timbered gables and banded brickwork. They have been designated in the CAA as Buildings of Townscape Merit and make a positive contribution to the heritage asset that is the conservation area. Nevertheless, the CAA refers to poor quality signage on Nos. 71-97 King Street, with a number of deep fascias and hanging signs, often

using garish colours, as one of the principal negative features of the conservation area.

5. The appeal signs, which are already in place, comprise two internally illuminated signs, one attached flush to the recessed front wall and the other a box projecting from the front gable wall immediately above the projecting sign for the ground floor use. Although fairly small, the flush sign partially obscures the attractive banded brickwork and, particularly due to its being internally illuminated, is prominent in views of the terrace from the open space and residential street opposite. The projecting sign is at a particularly high level and, being adjacent to the first floor window, clashes with the architectural composition of the façade and is prominent in views along the street. Its position above another projecting sign adds to, rather than diminishes, the cluttered appearance. Both appeal signs are of modern design and bright metal and coloured vinyl materials, at odds with the traditional character of the terrace. Overall, therefore, they represent incongruous and prominent additions to the building.
6. In this appeal, I am concerned with the signs before me and attach limited weight to the argument that a long-standing, flush sign and a projecting sign have been previously removed, thereby reducing the cumulative impact of the appeal signs. The evidence indicates that both of those signs were of different type, size and means of illumination.
7. I accept that there are numerous signs on the appeal and neighbouring properties but the appeal signs, whilst relatively small, are no less conspicuous for that and only add to the visual clutter, particularly due to their height, illumination and prominence. I have not been provided with any convincing evidence that the existence of the adjacent signs should set a precedent for the current appeal. The appellant also draws attention, in a *Historical Merit Statement*, to the number and variety of signs within the conservation area as a whole. However, those other signs occupy a variety of contexts which in almost all cases are not completely comparable to the appeal signs. Each proposal must be considered on its individual merits.
8. Similarly, although a number of signs in the locality are internally or externally illuminated, they do not justify the additional visual impact of the appeal signs. Furthermore, the appeal property occupies a relatively sensitive location, on the edge of the commercial area, facing an open space and dwellings, where excessive illuminated signage is particularly harmful to the character and appearance of the area. Given my concerns about the position, prominence and cumulative impact of the appeal signs within the conservation area, I am not convinced that imposing reasonable conditions specifying a certain level of luminance or limiting the hours of illumination, as suggested by the appellant, would overcome the harm which I have identified.
9. Circular 03/07 advises that, in accordance with the Advertisement Regulations, advertisements are subject to control in the interests of amenity and public safety. The latter is not an issue in contention in this case but I conclude that the signs significantly harm the visual amenity of the area and fail to preserve or enhance the character or appearance of the conservation area.
10. In advertisement appeals, development plan policies are a material consideration but not necessarily determinative. Nevertheless, in this case there is conflict with the objectives of saved policies G1 and ENV16 of the

Ribble Valley Districtwide Local Plan (LP), which seek to ensure that new development achieves a high standard of design which does not adversely affect the amenities of the area and to control development within conservation areas. I have also been referred to Policies DMG1 and DME4 of the Council's emerging Core Strategy, which have similar objectives to the relevant LP policies, but, as I have not been informed that this has been adopted, I attach limited weight to it.

11. The *National Planning Policy Framework* (the Framework) is also a material consideration. Paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built environment. It confirms that advertisements should be subject to control in the interests of amenity, taking account of cumulative impacts. In this case, the impact of the signs on visual amenity is appreciable and the issue is not merely a matter of architectural style or taste, as referred to in paragraph 60.
12. That paragraph also refers to local distinctiveness. In this case, that arises from the character and appearance of the appeal property and of the conservation area as a whole. I have concluded that the signs have an adverse effect on the character and appearance of the conservation area, which is a designated heritage asset. Paragraph 132 of the Framework states that great weight should be given to the conservation of a such an asset. In view of the accumulation of existing signs and the removal of former signs, I accept that the harm to the significance of the heritage asset in this case is less than substantial. However, with regard to paragraph 134, the very limited public benefits of the signs do not outweigh the harm to the heritage asset or to the amenity of the area.
13. Whilst it is not necessarily unreasonable for a commercial occupier to have signage advertising its presence, this is a matter which should be addressed within the bounds of deemed consent or by submission of an application for express consent, under the Advertisement Regulations. I note that the Council, in correspondence, has suggested one possible way forward. The appellant's perception of difficulties in this regard does not overcome my concerns regarding the signs or lead me to a different conclusion.
14. For all the reasons set out above, the appeal is dismissed.

Nicholas Taylor

INSPECTOR