



The Planning Inspectorate

Appeal Decision

Site visit made on 5 June 2018

by **Zoe Raygen Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2018

Appeal Ref: APP/V2255/Z/18/3201009

McDonald's Restaurant, Sittingbourne Retail Park, Mill Way, Sittingbourne ME10 2XD

- 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 Restaurants Ltd against the decision of Swale Borough Council.
 - The application Ref 18/500114/ADV, dated 8 January 2018, was refused by notice dated 6 March 2018.
 - The advertisement proposed is installation of 2 No. Halo illuminated "Good Times" signs.
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Decision

1. That part of the appeal that relates to the proposed halo illuminated sign on elevation D as shown on drawing ref 0912-1146-09G (referred to as elevation D) is dismissed. That part of the appeal that relates to the proposed halo illuminated sign on elevation B as shown on drawing ref 0912-1146-09G (referred to as elevation B) as applied for is allowed and express consent granted for its display. 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 conditions:
 - 1) The illumination hereby permitted shall not be of a flashing type.
 - 2) The maximum luminance of the illuminated areas shall not exceed the values recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide)

Preliminary matters

2. For the reasons that follow, I find the proposed halo illuminated sign on elevation B to be acceptable and clearly severable both physically and functionally from the proposed halo illuminated sign on elevation D. Therefore, I intend to issue a split decision in this case and grant express consent for the halo illuminated sign on elevation B.
3. The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this

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appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the proposal on visual amenity.

Reasons

5. The appeal building lies within a predominantly commercial area, set back a little way from the main B2006. The elevation to the road is visible due to the open nature of a grass bank between it and the road. Existing signage on the property generally reflects that on surrounding buildings, being letters sited at a high level. To the east of the appeal site are retail units. While these have relatively large signs they reflect the scale of the buildings, and are integrated into the frontage avoiding a proliferation of signage. Moreover they are sited some distance from the B2006.
6. The proposal is for the display of two externally illuminated signs, one on elevation D facing the B2006 and one on elevation B facing the car park. The provision of the sign on elevation D would introduce a large sign at a low level. When viewed with the existing signage on this elevation, it would result in this elevation of the appeal premises having a relatively cluttered appearance in contrast with the visible elevations of other properties along this part of the B2006. Consequently, due to its size and location, I am of the opinion that the sign would appear as an incongruous feature to pedestrians, cyclists and road users and would introduce visual clutter within the street scene. As such the advertisement would have a discordant visual impact on its surroundings.
7. While the sign on elevation B would have a similar appearance to that on elevation D, the elevation as a whole does not share the visual prominence experienced by elevation D of the building. Elevation B is set behind a car park, at a considerable distance back from the access road which serves very few properties. As a result, the advertisement would have an acceptable effect upon the visual amenity of the building and the surrounding area.
8. For the reasons above I conclude that the sign on elevation D would be harmful to the visual amenity of the building and the area. In so far as they are relevant, it would therefore be contrary to Policies DM14 and DM15 of the Swale Borough Local Plan Bearing Fruits 2031 (adopted 2017) and to the advice in the Council's adopted Supplementary Planning Guidance entitled "The Design of Shopfronts, Signs and Advertisements (the SPG). Together these require that signage is designed in a manner that minimises harm to amenity.
9. Also for the reasons above, I conclude that the sign on elevation B would not be materially harmful to visual amenity. Therefore, there would be no conflict with the requirements of Policies DM14 and DM15 and the SPG.

Conclusion

10. For the reasons above, I conclude that part of the appeal that relates to the halo illuminated sign on elevation D is dismissed. That part of the appeal that relates to the halo illuminated sign on elevation B is allowed. In terms of conditions, in addition to those required by the Regulations, conditions restricting the type and level of illumination are necessary to protect visual

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amenity. I have amended the wording of the Council's suggested condition to reflect the most up to date guidance document.

Zoe Raygen

INSPECTOR