



Appeal Decision

Site visit made on 12 March 2015

by **Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

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

Decision date: **08 April 2015**

Appeal Ref: APP/V2255/Z/15/3002381

Focus, West Street, Sittingbourne, Kent, ME10 1AN

- 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 Jason Gratton of Lidl 1st Floor Property Office against the decision of Swale Borough Council.
 - The application Ref 14/500280/ADV, dated 6 June 2014, was refused by notice dated 13 November 2014.
 - The advertisement proposed are *2.5m square illuminated fascia sign to east elevation, 2.5m square internally illuminated fascia sign to south elevation, 2.5m square illuminated free standing goalpost sign above entrance and 2.5m square flagpole on corner of West Street and Dover Street.*
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements, 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 and to the following conditions:
 - 6) The illumination of the sign hereby permitted shall not be of a flashing type.
 - 7) The source of the illumination for the proposed sign shall not be visible to the users of the highway.
 - 8) The maximum luminance should not exceed the values given in the Institution of Lighting Engineers Technical Report Number 5 'Brightness of Illuminated Advertisements'.

Procedural Matters

2. The Council issued a split decision, and did not object to the installation of a 2.5m square illuminated fascia sign to east elevation, a 2.5m square internally illuminated fascia sign to south elevation, and a 2.5m square illuminated free standing goalpost sign above entrance. For the avoidance of doubt, I have therefore only considered the proposed 2.5m square flagpole on the corner of West Street and Dover Street.
3. The postcode given on the application form is ME10 1AR. However, that given on the appeal form and decision notice is ME10 1AN. It is clear that both parties are aware of where the appeal site is and have based their cases upon this; irrespective of which postcode is used. For the avoidance of doubt, I have adopted the latter postcode as that for the appeal site.

Appeal Decision APP/V2255/Z/15/3002381

Main Issues

4. The main issue is the effect of the proposed sign on the character and appearance of the locality.

Reasons

5. The National Planning Policy Framework (the Framework), at Paragraph 67, provides that advertisements should be subject to control only in the interests of amenity and public safety. These reflect similar aims set out in the Advertisement Regulations. The Council has drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration.
6. The location of the appeal site and proposed sign is on the corner of West Street and Dover Street. The street scene is characterised by a mix of commercial uses on the ground floor of buildings with associated illuminated and non-illuminated signage, together with residential accommodation above. Neither the Council, nor the relevant highways authority raises concerns in terms of public safety relating to highway users. I note that conditions have been suggested by the local highways authority relating to illumination of the sign, and I consider these are reasonable and necessary to reduce the potential distracting to drivers. Given such circumstances such conditions would meet the tests set out in Paragraph 206 of the Framework, as supported by the Planning Practice Guidance, relating to the use of planning conditions.
7. The Council point to the fact that the sign would be exceptionally tall and on the corner of a conspicuous junction. The result would be considerable harm to the character and appearance of the area. However, the area is characterised by a mixture of signs, and whilst that proposed would be quite tall, it would be directly linked to the use of the site as Lidl Supermarket. Moreover, the sign would be viewed not only in the context of the supermarket itself, but also in the context of the wider commercial nature of the street scene. In such circumstances, I do not find that the height proposed would cause considerable harm to the character and appearance of the area, or to the interests of amenity.
8. I therefore conclude, for the reasons given above, that the display of the advertisement would not be detrimental to the interests of amenity and public safety.

Cullum J A Parker

INSPECTOR