



Appeal Decision

Site visit made on 23 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/U2370/Z/24/3343753

Land at Tithebarn Street adjacent to 45 Tithebarn Street, Poulton le Fylde FY6 7BY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Baxter Homes Ltd against the decision of Wyre Borough Council.
 - The application Ref is 24/00057/ADV.
 - The advertisement proposed is the installation of 1no. illuminated totem sign.
-

Decision

1. The appeal is dismissed

Preliminary Matters

2. At the time of my site visit the advertisement subject to this appeal was already in situ. I understand from evidence provided that whilst the advertisement has been installed, it has not been illuminated, nor the video function enabled. I observed this to be the case.
3. The advertisement relates to the marketing of a housing development, granted planning permission¹ and currently under construction. Advertisement consent is being sought for a temporary period, until November 2028. I have determined the appeal on this basis.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the regulations) require that advertisement appeal decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) confirm this approach. The development plan policies referred to by the Council in their decision notice are not determinative, but I have taken them into account as a material consideration.

Main Issue

5. The Council has concluded that the advertisement would be acceptable in terms of public safety and, from the evidence before me, I see no reason to disagree. Therefore, the main issue is the effect of the proposal on visual amenity of the area, including the setting of the Poulton-le-Fylde Conservation Area (PLFCA).

¹ Planning Application Refs: 17/00632/OUTMAJ and 17/00632/REMAJ

Reasons

6. The appeal site comprises an area of land situated next to 45 Tithebarn Street (No.45) and close the entrance to a new housing development. No.45 is a traditional, two-storey end terraced property. Tithebarn Street is a busy road, providing one of the main routes to and from the town centre. This part of Tithebarn Street is predominantly residential in character, with limited signage present.
7. The appeal site is also within close proximity of the boundary of the PLFCA. . The boundary of the conservation area includes No.45, but the advertisement is located just outside of the boundary. The significance of the PLFCA lies in its development as a Victorian market town, which until the 19th Century had been limited to a small number of streets around the church and railway station.
8. The appeal seeks approval retrospectively for a dark grey, aluminium, totem sign, which is approximately 5 metres high and set back from Tithebarn Street by approximately 5.5 metres. The advertisement relates to the adjoining housing development and includes a 1.5m high by 2.5m wide video screen. The video display would display static imagery that would change approximately every 10 seconds, and the intensity of the illumination would adjust automatically according to the time of the day.
9. The advertisement is located adjacent to the gable end of 45 Tithebarn Street, and whilst it sits below the eaves height of this property, it is nevertheless a dominant feature, when viewed against the decorative gable end of this property. In this particular case, the dark grey design contrasts sharply with the black and white decorative appearance on the gable end of No.45. The advertisement is also visible when travelling away from the town centre. Although I accept that any views are less prominent from this direction. Accordingly, for these reasons, I find that the advertisement is a highly prominent and discordant feature that causes harm to the visual amenity of the area.
10. Although the advertisement is sited close to the marketing suite associated with the housing development, with the exception of street signage and a few streetlights there is very little street furniture present, and no similar types of illuminated signage visible within the surrounding area. The freestanding sign would also include a large static image video screen which would not be in keeping with the residential character and visual amenity of the area. It appears as a stark and incongruous feature. Therefore, whilst I accept that the sign would be a temporary addition to the street scene, it would, according to the evidence before me, be in situ for at least a further four years. As such, I find that it's harmful impact would still be detrimental to the visual amenity of the area.
11. I understand from the evidence before me that the intensity of the illumination is capable of being controlled so that it changes according to the time of day, and that this could be secured by imposition of an appropriately worded condition. However, such a condition would not sufficiently address the visual harm which arises as a result of the location, size and appearance of the advertisement in this particular location.

12. The advertisement is prominently located in relation to the PLFCA and by virtue of its scale and appearance, in combination with its prominent position, it causes adverse harm to the setting of the PLFCA.
13. Whilst I acknowledge that the duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) does not apply to the setting of a conservation area, Paragraph 206 of the Framework is clear that when assessing whether a proposal causes to harm to a heritage asset, this also includes its setting. Furthermore, the absence of any comments from the Council's Conservation Officer does not indicate the absence of harm to the setting of the PLFCA.
14. For the above reasons, I therefore conclude that the advertisement, by virtue of its scale, modern design, and prominent position adjacent to No.45 and the boundary of the PLFCA, results in significant harm to the visual amenity of the area and the setting of the PLFCA.
15. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Whilst not decisive, it conflicts with Policies CDMP3 and EP14 of the Wyre Borough Local Plan 2011-31, adopted 2022 (WLP) and guidance contained within the Supplementary Planning Guidance SPG3 - Signs and Shopfronts in Conservation Areas, adopted 1998. These require amongst other things, high standards of design and that scale, design and size of the advertisement and degree and type of illumination do not harm the character and appearance of the surrounding area. There is also conflict with Policy CDMP5 of the WLP which requires, amongst other things, new development to protect, conserve and where appropriate enhance the historic environment.
16. Furthermore, there would be conflict with the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

17. The Council concluded that due to the orientation of the advertisement and relationship to nearby residential properties, that the advertisement would not be likely to have any significant detrimental impact on the living conditions of neighbouring residents. Based on the evidence before me, and my own observations I see no reason to disagree with this conclusion. However, the absence of harm to residential amenity does not alter my above findings.

Conclusion

18. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the visual amenity of the area, including the setting of the PLFCA. Accordingly, the appeal should be dismissed.

K Lancaster

INSPECTOR

