The Planning Inspectorate

Appeal Decision

Site visit made on 26 November 2012

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

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

Decision date: 5 December 2012

Appeal Ref: APP/H1033/H/12/2181132
Memories of India, 37 Buxton Road, Whaley Bridge SK23 7HT

- 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 Giash Uddin against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0199, dated 2 April 2012, was refused by notice dated 10 July 2012.
- The advertisement proposed is a facia sign as an aluminium composite tray with black finish (and white behind the letters). Silver metal letters in `maiandra black' font set off the background. White/coloured halo illumination behind each letter. Contact information under in white text transfers directly onto background.

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the advertisement on visual amenity.

Reasons

3. The proposal relates to a modern detached restaurant known as Memories of India which is located on the edge of the Whaley Bridge Conservation Area. The premises were converted to use as a restaurant in 1999. No express consent was granted for the previous signage on the building. The property lies within the Town Centre and within a designated Improvement Corridor. The nearby property is predominantly two storey traditional stone terraces. There is a single storey taxi building and parking area to the south of the site.

4. The proposal seeks consent for an illuminated fascia sign on the building frontage which is already in place. The sign would be above the front entrance door on the Buxton Road elevation and would comprise a relatively large fascia board measuring about 6m x 65cms x 10cms. The sign would have individual letters about 30cms high sitting proud of the fascia with the text "Memories of India". The signage would have halo illuminated silver/chrome letters in Maiandra black type face on a black and white background.

5. The development plan for the area includes the High Peak Local Plan (2005) (LP). Policies BC4, BC5, GD.4, GD.5, TC1 and TR.5 are relevant in this case. The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the

presumption in favour of sustainable development[1] and makes adjustments to some specific policies. The NPPF sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the NPPF. In this case I consider that the policies referred to in the reasons for refusal are consistent with the NPPF.

6. Whilst the policies in the LP may be relevant, the Town and Country Planning (Control of Advertisements) Regulations require that decisions be made only in the interests of amenity and where applicable, public safety. Therefore the Council's policies alone cannot be decisive. But I have taken them into account as a material consideration in my determination of the appeal. The Appellant considers that the appeal proposal is appropriate to its setting, is not detrimental to the character of or the setting of the adjacent Conservation Area and provides a positive contribution to the village.

7. At my site visit I saw that the site is located immediately adjacent to the Whaley Bridge Conservation Area. The boundary of the Conservation Area is tightly drawn around the Town Centre to include predominantly 18th and 19th century development, thereby protecting significant elements of its historic evolution. The adjacent Conservation Area includes several mid-late 19th stone buildings. Although the appeal building dates from 1984, its location and appearance has a considerable impact on the setting of the Conservation Area. Due to the size of the lettering and the location of the advertisement in a prominent position on Buxton Road, I consider that it is a visually obtrusive and incongruous feature in the street scene. In my view, the additional emphasis given to the advertisement with white halo illumination after dark would add to the obtrusive impact. In my view the advertisement would be harmful to the setting of the adjacent Conservation Area.

8. I have taken into account all other matters raised. I note the comments made about the large advertising hoarding and prefabricated buildings to the south of the appeal site but these do not justify the appeal proposal. I note also that the Appellant has discussed and agreed to make changes to the signage including changing the contact information from pink to white. Planning conditions would not overcome the harm that I have described. I conclude that the advertisement would be inappropriate in this location and would be detrimental to the visual amenity of the area.

9. For the above reasons I conclude that the appeal should be dismissed.

Harold Stephens

INSPECTOR

[1] Paragraph 14