

DIRECTIONAL SIGN CO

STATEMENT OF CASE FOR APPEAL

Appeal under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

LPA: HIGH PEAK BOROUGH COUNCIL

LPA REF: HPK/2024/0304

Re: Gable of 117 High Street West Glossop Derbyshire SK13 8BB

Proposal: Display of 1 x non-illuminated advertising sign (measuring 1.8m wide x 1.2m high)

We consider that there are grounds to contest the reasons for the refusal of planning consent by the LPA who considered that:-

Visual Amenity

"The signage is considered excessive and inappropriate in terms of its scale, form and siting which visually harms the character and appearance of the conservation area. The signage does not relate to the premises it is advertising. Moreover, it is highly prominent, resulting in an unacceptable visual impact which fails to sustain and enhance the Wren Nest conservation area".

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 limit the powers of control of advertisements solely to the interests of visual amenity and public safety. As public safety was not part of the reason for refusal, the determining issue within the Appeal relates only to visual amenity, which will be considered below,

The reason for the refusal states that the **scale**, **form** and **siting** of the signage would **fail to sustain and enhance the Wren Nest conservation area**".

These four elements of the reason will be assessed against the determining issue of visual amenity.

1) VISUAL AMENITY

The Regulations state that applications for express consent are to be determined in the interests of visual amenity and public safety, and with regards to visual amenity, factors include the presence of any feature of historic, architectural, cultural or similar interest.

In terms of amenity, national policy focuses on the local characteristics of the neighbourhood, and offers a description of the type of area where advertisements might be acceptable. It is considered that the Appeal proposal broadly reflects the example given in the Planning Practice Guidance (PPG), insofar as it is located in a predominantly commercial area of large open scale. The street scene is typical of a commercial area where roads pass through a built up area with development, activity, signage and advertisements on all sides.

A copy of a Google Street View Photo is shown below, and has been submitted with the Appeal as **APPENDIX A**, which clearly shows that the Appeal site and its surroundings are predominantly commercial in character which confirms the acceptability of the proposed sign in principle. As confirmed by the PPG, advertisements are to be preferably located in commercial or industrial areas.

Fig 1: (APPENDIX A) Street View Photo of the Appeal site on the gable of 117 High Street West Glossop SK13 8BB showing the non-illuminated advertising sign viewed in a predominantly commercial street scene



The Appeal site is located in a sustainable built up area of mixed-use and is predominantly commercial, and so it is an appropriate location to sustain the proposed advertisement. The site is located within the main shopping area of Glossop within the defined Local Plan town centre, and within the Wren Nest Conservation Area. The Appeal site is surrounded by offices, shops, hairdressers, beauty salons, public houses, restaurants, hot food takeaways and other commercial premises. The immediate environment of the Appeal site is largely influenced by the transport corridor and the continual level of activity and transiency within this dense urban area, where commercial establishments dominate the street scene on the approach to the site.

It is considered that the proposed advertisement would be in keeping with the Appeal site's setting, which comprises a mix of buildings with a wide range of scales and styles which reflect the varying uses and ages of the buildings. Non-illuminated and Illuminated advertisements of similar scale to the Appeal proposal are now a common sight on arterial roads and prominent gateway locations in most urban areas, as it is now widely accepted that '*appropriately sited and well-designed advertising*' may be acceptable in commercial use areas of large open scale

i) Scale

It is acknowledged that signs and advertisements can be found in many different sizes and formats, however, national and local policies state that careful control is necessary to ensure that they respect the **scale** and layout of their surroundings, and so do not adversely affect visual amenity. It is considered that the non-illuminated sign proposed in the Appeal can be

comfortably accommodated on the gable of the host building without looking like an overly large or an incongruous feature in the street scene. This is clearly shown in the site photo which has been submitted as **APPENDIX A**.

The gable wall does not have any architectural features of merit, and the proposed sign would not be overly large or take up a disproportionate amount of the gable wall. The proposed sign measures 1.8m wide x 1.2m high on the flank wall elevation of No. 117 High Street West, Glossop, which is a two storey property located within the built-up area boundary of the town. The total advertising display area of the sign is 2.16 sq. metres, and therefore it would only account for a small proportion of the total surface area of the gable wall. When the display is seen on this particular elevation against the general mass of the building, and taking into account the size of the wall in this commercial setting, it would relate well in terms of scale to the host property. It could not be reasonably argued that it would look excessive or out of character.

It is considered that the LPA's reasons for refusing the Appeal proposal are inconsistent with other advertisement applications which have been granted consent by the LPA for signs of similar scale, and which are located in the Appeal site's locality of the Wren Nest Conservation Area and the adjoining Norfolk Square Conservation Area.

One such example can be found at the following location:-

Fig 2: (APPENDIX B) Photo Visual of consented site on the gable of 85 / 87 High Street West Glossop SK13 8AZ showing the illuminated advertising sign viewed in a predominantly commercial street scene of the Norfolk Square Conservation Area (App. Ref. No. HPK/2022/0554).



Copies of the site photo, the approved site drawing, Decision Notice and Officer Report have been submitted with the Appeal as support documents **APPENDIX B**, **APPENDIX C**, **APPENDIX D** and **APPENDIX E** respectively.

The extant permission in place at this site to install the illuminated signs is pending development (as far as we are aware), as consent was only granted on 19/09/2023, and no current site photos are available to the Appellant. A photo visual of the site has therefore been submitted with the Appeal as document **APPENDIX B**.

The application at the above site was granted advertisement consent for new signage for Crossfield's Accountants at first floor level in the form of 2no. Illuminated signs (1no. hanging sign and 1no. fascia). It is considered that the illuminated fascia sign is particularly relevant to the Appeal proposal, as the total advertising display area of the sign is 2 sq. metres, and so the Appeal sign is not significantly larger than the scale of this consented sign, and also comprises an acrylic sign board with a static display. It is noted that the consented site incorporates LED lighting, whereas the proposed sign contained in the Appeal proposal is non-illuminated.

The Planning Officer in this case stated in the Delegated Officer Report that "*The proposed signage associated with Crossfield Accountants is proportionate with regards to its scale and ratio between signage and elevation*".

It is considered that a similar assessment should have been made of the Appeal proposal, which would sit comfortably on a blank section of the gable wall. It would not appear to be '*visually over-dominant on the host building*'. It would not create an unacceptable visual clutter and will not damage the character and quality of its surroundings, or the aesthetics of the host building.

The proposed advertisement would relate well to the host building. It would be in scale, and would not be overly large or disproportionate to the gable wall. It could not therefore be considered to be "*excessive and inappropriate in terms of its scale*".

ii) Form

The form of the advertising sign is designed to respect the general characteristics of the locality, and will not be out of proportion with the immediate built environment with its cluster of commercial premises. The location can absorb the advertisement without detriment, and it will not dominate the streetscape.

The Appeal site faces onto High Street West with a narrow access road running parallel to Glossop Brook directly below the flank wall elevation where the advertising sign is located. The host premises comprise a two storey / semi-detached property constructed in a lightly coloured stone with the ground floor occupied by Red Hair Design and the first floor comprising residential accommodation.

The Appeal proposal responds to the physical and social dynamic character and setting of the local area. The scale of the building / gable wall is sufficiently large to accommodate an advertisement sign that is 1.8m wide x 1.2m high. The proposed sign would not look excessive or out of character in this commercial setting. It is therefore considered that the Appeal proposal would not be visually dominating on the host building, and it will not have an adverse effect upon visual amenity in the wider area.

The simple rectangular form of the sign responds well to the form and size of the gable wall and the host building, and does not appear as a sudden feature to road-users, as it comprises a static printed advert image on a traditional signboard with no illumination, no changing or animated displays, and no moving parts. It does not require close study, nor does it confuse or obstruct views of road signs or traffic control signals for road-users. Advertisements which comprise illumination or changing images would not be permitted in the Conservation Area, and the Appeal does not seek to introduce this type of modern and more prominent advertising format.

It is noted from the Decision Notice that the LPA refers in its reasons for refusal that “***The signage does not relate to the premises it is advertising***”, however, we trust that the Planning Inspectorate will remind the LPA that the content of the signage is not subject of consideration, as the Regulations state that advertising should be controlled in the interest of visual amenity and public safety only.

The advertisement sign meets the standards set by the Advertising Standards Authority, and does not contain any improper or offensive material.

PPG states that LPAs should take into consideration an advert’s effect on the appearance of the building it is displayed upon, as well as the effect on the immediate neighbours. The occupants of surrounding residential dwellings do not face directly on to the advertisement, and so there is no harm by way of loss of light or outlook, and so there is less than any significant harm to residential amenity, or to the visual amenity of the wider area.

iii) **Siting**

The architectural form of the area around the Appeal site as a whole is generally simple but bold, and the distinctive characteristic of the area is the dominance of the commercial buildings.

Although the **siting** of the Appeal site is within the Wren Nest Conservation Area, (as can be seen on the support document **APPENDIX F -- Wren Nest CA Map**), the advertisement sign does not overlook any listed buildings in the vicinity of the site, nor is it viewed in the context of any heritage assets.

The street scene is predominantly commercial in character where commercial, leisure and public uses are in close proximity to the Appeal site. The overall visual impression of the street scene at this point is one of openness, and where the road passes through a built up area with development, activity, and signage on all sides.

It is considered that the siting of the advertising sign is in keeping with the site’s setting, which comprises a mix of old and new buildings, and a wide range of scales and styles which reflect the varying uses and ages of the buildings.

The advertising sign does not overlook any listed buildings in the vicinity of the Appeal site, nor is it viewed in the context of any heritage assets. The directional signage associated with McDonald’s takeaway restaurant supports the nearby outlet at Glossop Brook Road, and is considered to be proportionate with regards to its scale and ratio between the signage and the flank wall elevation of the host building.

Glossop has a busy and thriving shopping and commercial area set within a historic core, which the Council seeks to preserve wherever possible. The Wren Nest Conservation Area (CA) and the adjoining Norfolk Square Conservation Area comprise the heart of Glossop, and it is focused on High Street West which runs as the ‘spine’ of the town with its several crossroads. The character of the area comes from the commercial buildings throughout which dominate the CA, as well as statutory listed buildings and the buildings of local interest.

High Street West is lined with shops and commercial premises, which are occupied by a mix of national and local retailers as well as pubs, cafes, fast food takeaways, banks, estate agents, hairdressers, supermarkets and restaurants. The attractive historic buildings provide a strong sense of place and the generally pleasant public realm contributes to the vitality of the town centre.

The proper consideration for the purpose of this Appeal is to measure the proposal against Government advice, and the reality of the site and surroundings, rather than place emphasis on the location within the Conservation Area.

iv) Fails to sustain and enhance the Wren Nest conservation area

The LPA appears to have placed great importance on the location of the Appeal site “within the Conservation Area” by stating in the reasons for refusal that the proposed signage will “*result in an unacceptable visual impact which **fails to sustain and enhance the Wren Nest conservation area**”.*

The reality of the situation is that the Appeal site is located in a sustainable built up area of mixed-use and is predominantly commercial, and so it is an appropriate location to sustain the proposed advertisement. The site is located within the main shopping area of Glossop within the defined Local Plan town centre, and within the Wren Nest Conservation Area. The Appeal site is surrounded by offices, shops, hairdressers, beauty salons, public houses, restaurants, hot food takeaways and other commercial premises. The immediate environment of the Appeal site is largely influenced by the transport corridor and the continual level of activity and transiency within this dense urban area, where commercial establishments dominate the street scene on the approach to the site.

Local and national policies recognise that advertising is an important part of commercial activities which rely on external advertisements or signage to communicate information to sell goods or services. Advertising is a prominent feature in modern society and contributes to the attractiveness of the urban street scene by introducing colour, variety, and interest

It is considered that the location of the Appeal site within the boundary of the CA is not a valid argument for refusing consent. Many conservation areas across the country include commercial premises ranging from small corner shops to large commercial centres consisting of a mix of retail, leisure, and public uses, so outdoor advertising and commercial signage can be essential to the commercial vitality of these areas. It is therefore not unusual to find that commercial advertising displays and signage are prevalent in these areas.

Reference could be made to many examples of consented advertisement displays in similar locations to the Appeal site within the boundaries of Conservation Areas, however, there are obviously far too many of these approved schemes to conveniently list here. Many LPAs have adopted a flexible approach to advertising in conservation areas. LPAs have recognised that many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises is to be expected providing they do not detract from visual amenity. LPAs should therefore use advertisement controls flexibly in such areas.

The setting of the Appeal site is comparable to many sites where advertising displays have been permitted within, or in proximity to, designated conservation areas. In these cases the relevant LPAs considered that the advertisements were “*appropriate in the street context, and preserved the character and appearance of the conservation areas*”, as they were also located in predominantly mixed use areas of large open scale.

Reference has already been made to the application granted consent by the LPA for illuminated signage at 85 / 87 High Street West Glossop SK13 8AZ which is located in the commercial street scene of the Norfolk Square Conservation Area (**App. Ref. No.**

HPK/2022/0554). In this case the LPA did not consider that the signage “**fails to sustain and enhance the Wren Nest conservation area**”. This highlights the LPA’s inconsistency when assessing the position of proposed advertisements within, or in proximity to, designated conservation areas

It is widely accepted that Advertisements which comprise illumination or changing images would not be permitted in the CA, and the Appeal proposal does **not** seek to introduce this type of modern and more prominent advertising format. The Appeal proposal consists of a printed advert image on a traditional signboard.

As can be seen in the site photos supplied with the Appeal statement, the advertising sign is already in situ. The sign does not include any illumination or changing advert images, and the Appellant is seeking consent for the standard express consent period of 5 years (from date of consent). The Appeal site does not obscure or cut across any significant architectural features, and does not harm the visual simplicity and general mass of the built environment which forms the surroundings to the site.

The surrounding area of the Appeal site forms the ‘*commercial core*’ of the town, which means that the proposed advertisement would face on to non-sensitive land uses, and the proposed sign would be viewed in this context. It would not have an over-stated commercial connotation, as by definition, an advertisement seeks to promote commercial products, to a viewership in order to attract interest, engagement and sales with a commercial activity.

The requirements under conservation area legislation are that, where a LPA designates part of its area to be of special architectural or historic interest, any development proposal should preserve or enhance the character or appearance of the area. For practical purposes, any proposal which affects a conservation area must at least preserve the area in the sense of doing no harm – i.e. a “neutral” effect.

It is considered that the site photomontage which has been submitted with the Appeal as **APPENDIX A** shows how the proposed advertisement will screen the unsightly area of the railway viaduct, and so the Appeal proposal will at least preserve the conservation area in the sense of doing no harm – i.e. a “neutral” effect.

It is considered that the siting of the advertising sign is in keeping with the site’s setting, and does not overlook any listed buildings in the vicinity of the Appeal site, nor is it viewed in the context of any heritage assets.

The commercial activities of the area respect the historic street pattern, but at the same time, they are appropriate in the immediate environment which is predominant commercial in character, and have no significant effect on the visual amenity of the street scene. Outdoor advertising can be essential to commercial vitality in the commercial and retail town centre, and it is considered that the advertisement proposal is “*appropriately sited and well-designed*”, and therefore will at least preserve the conservation area in the sense of doing no harm – i.e. a “neutral” effect.

2) PUBLIC SAFETY

Public safety was not part of the reason for refusal, and therefore the determining issue within the Appeal relates only to visual amenity, which has been set out in detail in this statement. Derbyshire County Council Highways Authority confirmed that they have no objections in terms of material harm to highway safety.

3) CONCLUSION

The Appeal proposal is simple in concept and similar to schemes that have been approved across the UK at both application and appeal stages. Such a familiar urban feature does not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care, or give rise to any safety issues. It would also sit comfortably in the Appeal site's visual context without harming amenity, the qualities of the site, or the character and appearance of the conservation area.

When considered objectively and in its particular context, the Appeal proposal is in accordance with the relevant policy framework. We therefore respectfully request that the Appeal be allowed,

10th November 2024