



Appeal Decision

Site visit made on 13 October 2003

by **David Leeming**

an Advertisement Appeal Inspector appointed by the First Secretary of State

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Date
28 OCT 2003

Appeal Ref: APP/L5810/H/03/1125711

The Jenny Lind, 80 High Street, Hampton Hill, Middlesex TW12 1NY

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Kim Beverley Crisford against the decision of Richmond-upon-Thames London Borough Council.
- The application (Ref.03/2508/ADV) is dated 23 June 2003.
- The advertisement under appeal is an illuminated "Fosters Lager" sign.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The main issues in this appeal are the visual impact of the sign on the premises and within surrounding views.

Planning Policy

2. The Council refer to their advertisement control policies. The Regulations require that decisions be made only in the interests of amenity and public safety. Therefore the Council's policies alone cannot be decisive. But I have taken them into account as a material consideration.

Reasons

3. The premises are a two-storey domestic-scale public house located within the Hampton Hill Conservation Area, where special attention must be paid to the desirability of preserving or enhancing its character or appearance. A strict control over the display of outdoor advertisements should therefore be maintained. However, well-sited signs of suitable size and design should normally be acceptable, provided that they do not spoil the character or appearance of the building or the area.
4. The appeal sign measures 0.84m by 0.61m. It occupies a central position between the two upper windows, where it projects forward directly above a flag pole holder. Although not particularly large, the sign has a modern box-like appearance and an irregular shape. The building has small-paned windows and other features that give it a somewhat old-style appearance. This is emphasised by the presence of a painted fascia and a pictorial inn sign on the frontage, the latter being also at first floor height. In recognition of its historic, architectural and townscape interest, I note that the Council have included it on a local list of buildings of townscape merit.
5. I consider that the appeal sign, with its uncompromisingly modern form and appearance, detracts from the otherwise well-ordered and traditional appearance of the frontage. Seen

in addition to the pictorial sign, I consider too that it gives rise to an impression of advertisement excess on the public house frontage.

6. As to its wider impact, I accept that views of the sign are restricted by the presence of the pictorial sign and by the more forward projection of the adjoining building. I note too the presence of the filling station and its prominent signage. However, the latter is outside the boundaries of the Conservation Area, which, for the most part, contains a mix of small shops and residential properties. In this particular wider context, I consider that the appeal sign, in its elevated frontage position and emphasised after dark by its illumination, detracts from the character and appearance of the street scene.

Conclusions

7. For the reasons given above and having regard to all other matters raised, I conclude that the display of the appeal sign is incompatible with the conservation status of the area and is detrimental to the interests of amenity.

Formal decision

8. In exercise of the powers transferred to me, I therefore dismiss the appeal.

Information

9. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



Advertiser Appeal Inspector

The Planning Inspectorate

RIGHT TO CHALLENGE THE DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the First Secretary of State for re-determination. It does not follow necessarily that the original decision on the appeal will be reversed when it is re-determined.

You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.

Under provision of section 288 of the Town and Country Planning Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

1. that the decision is not within the powers of the Act; or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Tribunals and Inquiries Act 1992, or of any order, regulation or rule made under those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning (Inquiries Procedure) rules 1974)

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Advert Control Officer's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Advert Appeal Inspector when reaching his or her decision; or, for instances, that the hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court has discretion not to quash the decision if it considers the interests of the person making the challenge have not been prejudiced.

It is important to note that such an application to the High Court must be lodged with the Crown Office within 6 weeks from the date of the decision letter. This time limit cannot be extended.

An appellant whose appeal has been allowed should note that 'a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London WC2 2LL. Telephone: 020 7947 6205.

INSPECTION OF DOCUMENTS

It is the Inspectorate's policy to retain case files for a period of one year from the date on the decision letter. Any person notified of the decision can inspect the listed documents, photographs and plans within 6 weeks of the date of the decision letter. Other requests to see the appeal documents will not normally be refused. All requests should be made to Room 4/09, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting the appeal reference and stating the day on which you wish to visit. Please give at least 3 days' notice and include a daytime telephone number, if possible.

COMPLAINTS AND OTHER COMMENTS TO THE INSPECTORATE

Any complaints about the decision letter, or about the way in which the case was conducted, or any procedural aspect of the appeal should only be made in writing to the complaints officer in Room 4/09, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0117 372 8927, quoting the appeal reference. You should normally receive a reply within 15 days of our receipt of your letter. You should note however, we cannot reconsider an appeal on which a decision letter has been issued. This can be done following a successful High Court challenge as explained overleaf.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration on the part of the Inspectorate you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. While this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the appeal decision in any way.

COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, a complaint can be made to the 'Council on Tribunals', 22 Kingsway, London WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits and cannot change the outcome of the appeal decision.