

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2 MAY 1996

**SUBJECT: PLANNING APPEAL DECISION
18 HIGH STREET, MONTROSE
REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine an appeal against the refusal by Angus District Council to grant consent for an illuminated fascia sign at 18 High Street, Montrose.

1 RECOMMENDATION

It is recommended that the Committee notes the successful outcome of the appeal.

2 INTRODUCTION

- 2.1 With reference to Angus District Council minute 559(1)/95, the Planning and Development Committee at their meeting of 7 August 1995 refused Listed Building and Advertisement Consent for the display of a single sided fascia panel sign, externally illuminated by spotlights. Application Nos. 02/95/1029 and 03/95/1011 refer.
- 2.2 The applicant, Blockbuster Videos appealed against the refusal and the Inquiry Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

- 3.1 "Section 54(3) of the Act requires that I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 262(8) requires me to give special attention to the desirability of preserving or enhancing the character or appearance of the outstanding Montrose Conservation Area. Regulation 41 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety, and these matters are elaborated in Regulation 42.
- 3.2 Accordingly, on the basis of the written submissions, the site inspection and the above, I consider that the determining issues in this appear are, firstly, whether the display detracts from the character of the listed building or its setting and is contrary to the terms of the "Memorandum of Guidance on Listed Buildings and Conservation Areas", secondly whether it preserves or enhances the character or appearance of the conservation area and is contrary to the terms of the Council's policy on "Shopfronts and Signs in Conservation Areas", and thirdly, whether it would be contrary to the interests of amenity. Having regard to the written submissions and the site inspection, I consider that the display raises no issue of public safety.

- 3.3 On the first issue, I note that the building in which the appeal property is situated is "B" listed and that there is nothing in your submissions which suggests that it does not merit such status. The Memorandum, which was published in 1993, states that any new sign must always be carefully located to respect the architectural form and detailing of the particular building to which it will be attached. It continues that the design of the sign should complement the age and architectural style of the building. In my view the display involves a new sign for which your client has applied for the appropriate consents. Given this, I do not believe that consideration of the proposal is restricted by the fact that it only involves replacing one perspex panel with another and no alterations to the sign structure. However, I acknowledge that these factors are material considerations. Overall, the building in which your client's unit is located is an attractive one, and I consider it unfortunate that the existing fascia box has been used for the display. The result is a sign which is too big for the building; a sign which projects well in front of the facade of the frontage and building; and a sign which breaks the division between the ground floor and first floors. As such, the symmetry of the facade is distorted. The sign also merely reflects the corporate identity of your client, rather than reflecting the type of building on which it is displayed. The effect of the sign would be compounded by the proposal to illuminate it by three overhead lighters which would have to be extended in front of the sign. I do accept that there is some uncertainty as to what exists behind the fascia box in the way of stone fascias, etc. However, I consider that this factor and the exact nature of the proposal, as outlined above, do not outweigh the fact that the sign and proposed illumination are unsympathetic to the listed building and as such would detract from its character and be contrary to the terms of the Memorandum.
- 3.4 In relation to the second issue, it is my view that the character of the conservation area derives from the number of listed buildings in the immediate vicinity, the scale and position of these buildings, the commercial nature of the ground floor, the small monument outside your client's unit and the wide street which narrows considerably to the north creating the impression of a square. From the site inspection it appears to me that the Council have made an effort to achieve a level and type of signage in the conservation area which reflects its character and appearance. Your client's sign, including its proposed illumination, in my view, does not do this for the reasons explained in paragraph 3.3. The Memorandum makes it clear that the principles it contains with regard to signs also apply to conservation areas. In addition, I consider that the Council have attempted to follow the guidance in their own advice note in the immediate area. Your client's proposal for illuminating the sign does not accord with this advice. Given these factors, I consider that the sign does not preserve or enhance the character or appearance of the conservation area and that it is contrary to the terms of the Council's advice note.
- 3.5 Turning to the third issue, I note that Regulation 42 in elaborating on amenity considerations makes reference to determining ".... the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the area, including the presence of any feature of historic, cultural or similar interest...." On this basis, and given the terms of paragraphs 3.3 and 3.4, I consider that both the sign and its proposed illumination would be detrimental to amenity.

3.6 In conclusion, I find the sign and the proposal for illuminating it unacceptable on this listed building situated within an outstanding conservation area. I have taken account of all the other matters raised in the submissions, but they do not outweigh the considerations leading to my conclusion. Accordingly, in exercise of the powers delegated to me, I hereby dismiss these appeals."

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/KW
22 April 1996

Alex Anderson
Director of Planning, Transport & Economic Development

