

ground floor level, is awkwardly positioned in relation to the frontage shop. In this respect it straddles the height of the shop front and fascia, rising partly above the level of the latter, alongside a return section of decorative stone banding at the top of the console bracket. The top edge of the panel is just below the first floor residential window in the wall and its western end is partly above a lower height domestic-scale window in the single-storey rear extension.

6. Although the panel does not cover a majority of the overall area of the wall, it does do so in relation to the ground-floor elevation, aside from the rear extension. In this respect, the panel extends large-scale advertising onto a side wall that, apart from the two small adjacent signs, has no obvious commercial aspect, such as a return section of shop front. Set within a frame fixed to but extending forward from the wall, the panel forms a 'solid' feature that is larger than any single element of the shop front. In my view, it thus appears out of scale with and relates poorly to the shop front and is unduly dominant on the flank wall. I note the appellants' comment about the possibility of graffiti spreading across the wall upon removal of the panel. However, the Council have adequate powers to deal with this problem, should it arise.
7. As to the wider impact of the panel, I accept that it does not have a long range of advance visibility. However, it is exposed to view in the open setting of the adjacent railway station and bridge, at right-angles to the road. It is visible across the bridge and over a longer distance from the opposite side of the road. When looking north from there towards the Conservation Area, the panel is seen at the entrance to the bending alignment of the road into this designated area. Whilst the panel is generally contained at street level, its exposed right-angled alignment accentuates its presence in the street scene. Set on the end of a terrace with fine detailing on the upper elevations, including the corner section directly above the panel, and seen in the foreground of views of similar detailing on other buildings to the north, I consider that the panel is a disruptive element. In my view, its impact is intrusive. The fact that there are currently similar sized and larger poster panels located within the railway station and to the south of the railway bridge does not alter my views in this respect.
8. Both parties have referred to previous appeal decisions in support of their case. I have noted these decisions, but they were based on the merits of the particular cases. In my view, there are important differences between the appeal case and these previous ones, which cannot, in any event, be regarded as precedents for the current appeal.

Conclusions

9. In view of the adverse impact of the existing poster panel on the wall, I consider it appropriate to reinvest effective control over the display of advertisements on the site with the Council. Because of this, and having regard to all other matters raised, I conclude that the continued use of the site for the display of advertisements with deemed consent would be substantially injurious to amenity.
10. In stating the above, however, I accept that to uphold the notice as served would be to remove deemed consent rights in relation to the whole wall, including such rights that may apply to those areas of the wall forward of the panel occupied by the two small directional signs. Since it was clearly not the Council's intention to secure the removal of these two small signs when serving the notice, I propose to vary the notice (in the First Schedule) to

exclude these areas of the wall. Also, to more clearly specify what is required by the notice and to meet the requirements of the power in regulation 8(1) of the Regulations, I propose to further vary the notice (in the Second Schedule) by replacing the words "is discontinued" at the end of the sentence with "Discontinue" at the beginning and by adding the words "for which deemed consent is granted under regulation 6" after the words "display of advertisements".

Formal decision

11. I dismiss the appeal. I vary the notice by adding, in the First Schedule, the following: "except the small areas at the eastern end of the wall currently occupied by two small directional signs," after the words "The flank elevation". I further vary the notice by deleting the sentence in the Second Schedule and replacing it with the following: "Discontinue the use of the site for the display of advertisements for which deemed consent is granted under regulation 6." Subject to these variations, I uphold the discontinuance notice and direct that it shall come into effect immediately.

David Leeming

Advertisement Appeals Inspector