

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**04 March 2010**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site: **Booker Cash and Carry, 5-7 Laker Road, Rochester Road Industrial Estate, Rochester**  
Appeal **Against the refusal of consent for the display of a freestanding, non-illuminated, double-sided directional signboard**  
Appellant **Booker Ltd**  
Decision **Appeal dismissed**  
Background Papers file : PA/29/09

Contact: Cliff Cochrane  
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The actual position of the sign would be at the junction of Rochester Road and Laker Road. The Inspector considered the main issue is whether the proposal would be against the interests of public safety.

**Reasons**

The double-sided sign measuring 1.2m square would be mounted on two posts at an overall height of 2.4m. The signboards would be finished in white text denoting 'Booker Wholesale' on an orange ground, above two directional elements in reverse livery denoting 'Car Park' and 'Deliveries'.

The sign would be set roughly perpendicular to the carriageway, facing traffic approaching in both directions. As applied for, it would be displayed on the grassed highway verge, close to the back edge of the carriageway on the north-eastern side of the main Rochester Road, at its T-junction with Laker Road. In this position, the signboard would obstruct the provided visibility splay for the junction. This would be inappropriate in any event but particularly in present circumstances because the curving alignment of Rochester Road and a poorly-maintained V-board already restrict the intervisibility between southbound drivers and drivers who may be waiting to join the main road.

Forward visibility is generally better on the approach from the south where central hatching on the carriageway provides something of a refuge for drivers waiting to turn right into Laker Road. The proposed signboard would nonetheless create a colourful roadside feature in a position effectively divorced from any obvious commercial activity. As such, its apparently random display would always compete with thereby reducing the effectiveness of the official highway directional sign denoting the Rochester Airport Industrial Estate. Seen from the north, the appeal sign would also compete for attention with the official sign warning of 'humps' along Laker Road. The Inspector concluded for the above reasons that the display of the sign as proposed would be against the interests of public safety.

1.2 Site **Land to the front of 429/431 London Road, Ditton**  
 Appeal **Against the refusal of permission for the erection of a 6m high lighting column with luminaire**

Appellant **Mr John Wright**

Decision **Appeal dismissed**

Background papers file: PA/34/09

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The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the living conditions of the occupiers of No 429 and nearby dwellings with particular reference to visual impact and intrusion.

#### Reasons

The site contains Nos. 429 and 431 London Road, the former a dwelling and the latter a pet shop. Both properties are set back from the road behind a parking area and forecourt which includes a thatched building in front of No. 429. Outside the pet shop is a fenced area used for the display of goods for sale.

It is intended that the lighting column be erected in the north-western corner of the frontage to the residential curtilage of No 429.

The proposal is for the erection of a 6m-high, grey-painted lighting column with a projecting Thorlux Juno luminaire dome. The dome would have a 0.6m diameter and a depth of .415m including the glass cover to the light source. The luminaire would be fitted with a 57-Watt TC-T lamp and this would provide an average level of luminance of 8 lux over an area of some 30m by 9m. In the Inspector's opinion, the proposal is more akin to a roadside lighting column or one used to illuminate large surface car parks. He considered that a lighting column of this size, height and design would appear incongruous and overbearing within the residential curtilage.

The proposal is intended to provide additional lighting to the customer car park. However, when lit the tall lighting column would also draw further attention to the shop and the adjacent frontage display area with its plethora of banner and board signs. Despite its recessed position, the pet shop with its bold fascia sign is already a very conspicuous element within the mainly residential street scene. In the Inspector's opinion, the form and extent of the proposed additional lighting would over-emphasise the commercial aspect of the premises at a point on London Road where, on amenity grounds, there is a need to maintain a proper balance between the commercial and mainly residential use aspects.

The Inspector considered in these circumstances that the additional spread lighting provided on the open frontage by a column of this size, height and form would be visually intrusive to the occupiers of No 429 and No 427 and the dwellings directly opposite. He further considered for the same reasons that the proposal would harm the general amenity of outlook in this mainly residential setting. He noted that the Appellant owns both properties on site but circumstances might change. In any event, this consideration does not diminish the harm he judged the proposal would cause to the residential occupiers of No 429 and the general amenity of this mainly residential setting.

The Inspector was not persuaded that the proposed additional lighting to the site access and car park is required on safety grounds. He saw that the busy A20 is well lit including street lamps effectively flanking the site frontage just beyond the access/exits points. Another street lamp directly opposite provides a gentle but effective wash of light across the carriageway. He considered that the official street lamps provide sufficient general lighting to ensure the safe operation of the appeal site frontage.

The Inspector concluded for the above reasons that the proposal would harm the character and appearance of this mainly residential area. He further concluded that it would harm the living conditions of the occupiers of No 429 and nearby dwellings by reason of visual impact and intrusion. The proposal would thus be in conflict with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. This requires good design in all new developments, together with a respect for the site and its surroundings.

Site **429/431 London Road, Ditton**  
 Appeal **Against the refusal to grant express consent for the display of two non-illuminated, freestanding signs**  
 Appellant **Mr John Wright**  
 Decision **Appeal dismissed**  
 Background papers file: PA/34/09

Contact: Cliff Cochrane  
 01732 876038

The Inspector considered the main issue to be the impact including the cumulative impact of the proposed signs on the site and its mainly residential surroundings.

### Reasons

The site contains Nos. 429 and 431 London Road, the former a dwelling and the latter a pet shop. Both properties are set back from the road behind a parking area and forecourt which includes a thatched building in front of No. 429. Outside the pet shop is a fenced area used for the display of goods for sale.

The appeal effectively arises from a 'split decision'. The Council granted consent for two Signs B and C displayed at the front of the thatched building already mentioned but refused consent for the two appeal Signs A and D each measuring 1.22m square and similarly finished in bright yellow with a mix of red and black lettering. The appeal signs would be displayed at either end of the wide frontage. Sign A would be to the west close to a mature tree and an access road serving adjacent dwellings. Sign D would be outside the adjacent house at No. 427, facing westbound traffic. Both signs would be mounted on posts, giving their bold displays increased prominence and exposure as roadside features.

Despite its recessed position, the pet shop already stands out in this mainly residential setting. It is denoted by a bold fascia sign over the shopfront, the permitted Signs B and C already mentioned, and several banner and board signs arranged apparently at random on the wall and fencing enclosing the forecourt display area. The Inspector considered that, because of their size and exposed siting, the additional display of Signs A and D would over-emphasise the commercial aspect of the appeal premises at a point on London Road where, on amenity grounds, there is a need to maintain a proper balance between the commercial and mainly residential use aspects. He further considered that the addition of Signs A and D would contribute to an overwhelming impression of advertising clutter and excess in this generally well-ordered, mainly residential setting.

The Appellant claims that the appeal signs are required to provide adequate advance warning of the site, particularly on approach from the east. However the premises are readily identifiable. This part of the A20 is subject to a 40mph speed limit and in the Inspector's opinion it presents no particular difficulty for drivers including those seeking the appeal premises who are exercising due care for their own and others' safety.

In these circumstances, the Inspector concluded that the display of Signs A and D would be detrimental to the interests of amenity and that there is no overriding public safety requirement for them.

**Ian Henderson**  
Chief Solicitor