

E/0160/38/12

UNAUTHORISED SIGNAGE AT THE FORMER WESTGATE INN, 1 WESTGATE STREET, TAUNTON

OCCUPIER:

OWNER: MR A HORUN & MR H ALI
WESTGATE INN, 1 WESTGATE STREET, TAUNTON
TA1 4EX

PURPOSE OF REPORT

To consider whether it is expedient to take Prosecution action to ensure removal of an illuminated sign on North elevation following dismissal at appeal.

RECOMMENDATION

The Solicitor to the Council be Authorised to commence Prosecution action for the unauthorised display of an internally illuminated advertisement.

SITE DESCRIPTION

The site is on the corner of Westgate Street and Shuttern on the South west side of the Town centre. The property is in use as an Indian Restaurant with accommodation over. Previously the property was in use as a public house. The sign is on the front elevation in a prominent position, opposite Cann Street. The sign measures 1.7m wide by 2.8m high and is illuminated.

BACKGROUND

The sign was brought to the Council's attention following a site visit by the Planning Officer when she advised the owners that advert consent was required should they wish to retain the signs. An application was submitted to retain two signs and a split decision was issued which granted consent for the advert on the side elevation but reused consent for the larger sign on the front elevation.

Following this the applicant appealed against the refusal element of the decision but the Inspector agreed with the Council's original assessment and dismissed the appeal.

The sign remains in place and is unauthorised. The owner has suggested that he will not remove the sign and therefore a decision needs to be made as to whether prosecution action is appropriate.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The sign is on the front elevation in a prominent position, opposite Cann Street. The sign measures 1.7m wide by 2.8m high and is at first floor level, between two windows. Due to its size and location, the advertisement requires express consent which has been refused and subsequently dismissed at appeal.

RELEVANT PLANNING HISTORY

38/12/0145 -External Alterations - Conditionally approved 25 June 2012

38/12/0411A - Display of 1 internally illuminated sign and 1 fascia sign - Split decision 13 March 2013

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraph 67

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

DETERMINING ISSUES AND CONSIDERATIONS

The sign on the north (front) elevation of the building, by reason of its size, is unduly prominent in the street scene and disproportionate to the other features on this elevation. As such the sign detracts from the visual amenities of the building and the surrounding area and the proposal is considered contrary to the Retained Taunton Deane Local Plan Policy EC26 and advice contained in the National Planning Policy Framework.

In his appeal decision, the Inspector commented on both the approved and refused signs, stating that 'the principal issue for the Council is the size of the frontage sign and the degree to which it over-dominates the façade of the host building. There is particular concern that the sign is out of scale with the traditional pattern of fenestration. I share these concerns. I was struck at my site visit by the manner in which the approved side (east) elevation sign appeared in scale with the gable end on which it sits and maintains a comfortable relationship with that elevation. By contrast, especially when both signs are in seen in conjunction – for example from the traffic island immediately to the north – the frontage sign appears out of proportion and overwhelms not only the other elements on that elevation but, to some extent, views of the building as a whole. In simple terms, it is too big for the wall on which it has been placed and is discordantly dominant.'

In light of the refusal of advertisement consent and appeal decision it is considered appropriate to take prosecution action if the sign is not removed.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Ms F Wadsley
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479