



Appeal Decision

Site visit made on 19 January 2010

by **D Grace BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
1 February 2010**

Appeal Ref: APP/F0114/H/09/2110145

11 Westgate Street, Bath BA1 1EQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Subway Realty Ltd against the decision of Bath & North East Somerset Council.
- The application Ref. 09/01089/AR, dated 27 March 2009, was refused by notice dated 22 May 2009.
- The advertisement proposed is (a) 1 no. set of unlit acrylic letters on standoffs, (b) 1 no. set of acrylic text to projecting sign, (c) 1 no. set of vinyl text applied to pillar.

Decision

1. For the reasons given below, I dismiss that part of the appeal that relates to 1 no. set of vinyl text applied to pillar. But I allow the appeal, and grant consent for the display of 1 no. set of unlit acrylic letters on standoffs and for 1 no. set of acrylic text to projecting sign as applied for in application Ref. 09/01089/AR, dated 27 March 2009, that have been installed at 11 Westgate Street, Bath BA1 1EQ. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matter

2. I saw during my site visit that the appeal scheme has been implemented. The Council determined the application on the basis that it sought retrospective consent for this. I have dealt with the appeal on that basis also.

Main Issue

3. I consider the main issue in this appeal is the effect of the appeal signage on the visual amenity of the area, the special architectural and historic interest of the listed building and the character and appearance of the Conservation Area.

Reasons

4. The property on which the appeal signage has been installed is a mid eighteenth century, three-storey grade II listed building and is situated within the Bath Conservation Area and World Heritage Site. The unit is used as a food and drink enterprise and is part of an extensive city centre retail frontage. The building has a traditional style of shopfront with a deep fascia panel. The appeal signage is applied to this, to a projecting sign at fascia level and to a pillar adjacent to a recessed doorway at the side of the shopfront. The nearby shopfronts are mixed in terms of their overall form, colour and fascia signage style. This contributes to a busy townscape character at ground floor level and means that the frontage of which the appeal unit is a part does not have a unified appearance.

5. The main appeal sign, which comprises of individual acrylic lettering, covers only a relatively small proportion of the fascia. In my opinion, the size of the lettering is acceptably in proportion to the size and scale of the shopfront and the building as a whole. Whilst it is clearly apparent, I consider this sign is not unacceptably dominant in the shopfront or in the street scene. The white and yellow colouring of the letters respects the dark green colour of the shopfront and is acceptably in keeping with the mixture of colours that is a characteristic of this part of the street. I also consider the stand-off form and acrylic material used for the fascia lettering does not appear as out of keeping with the surroundings or result in any significant harm to the appearance of the building or the street scene. The lettering on the projecting sign is small and, in my view, its size, colour and material does not cause it to be intrusive in the context of the colourful diversity of the adjacent shopping frontage. However, the lettering applied to the column appears as an ad hoc element intrusively unrelated to the plain appearance of the doorway it flanks. It is at eye level and below and, in my opinion, detracts from the appearance of the shopfront and appears as unacceptable clutter in the street scene.
6. The appellant has drawn my attention to a number of signs displayed on buildings near to the appeal premises and elsewhere in the city centre. The Council says a number of these are either unlawful, have deemed consent or are not located on listed buildings. However, I have not been provided with details in these respects for those that are near to the appeal scheme. Nor have I been provided with any specific information as to any enforcement or enhancement action that is being undertaken in the nearby area that would alter the immediate townscape context of the appeal premises. In the absence of such information I consider it is reasonable to assess the appeal scheme in relation to its current surroundings as well as in relation to the building on which it is installed.
7. For the above reasons I conclude on the main issue that the fascia and projecting signs are not detrimental to the interests of amenity. I consider the main effect of the appeal signage on the listed building is as a result of its effect on the appearance of the shopfront. The above signs do not unacceptably affect this and, therefore, do not harm the special architectural and historic interest of the listed building. For the same reasons I consider this signage does not harm the character or appearance of the Bath Conservation Area and therefore, at the least, preserves it and is not harmful to the World Heritage Site. However, this is not the case with the sign that is applied to the pillar. I conclude that this is harmful to the amenity of the area and detrimental to the special architectural and historic interest of the listed building and fails to preserve or enhance the character or appearance of the Conservation Area which also detracts from the qualities of the World Heritage Site. In view of this I have made a split decision permitting the signage on the fascia and the projecting sign but refusing consent for the column sign.
8. The Council and an interested party refer to a number of development plan policies and other planning guidance. However, the Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Therefore, whilst it can be a relevant consideration, planning policy alone cannot be decisive. In any event, I have not been provided with copies of the policies referred to and I can, therefore, afford them little weight as material considerations. I have considered all other matters raised but find nothing leads me to a different decision.

D Grace

INSPECTOR