

Appeal Decision

Site visit made on 8 November 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/F0114/Z/16/3155762

South and West Motors Ltd, London Road East, Batheaston, Bath BA1 7RL

- 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 Mrs H Mena against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01824/AR, dated 14 April 2016, was refused by notice dated 10 June 2016.
 - The advertisement proposed is described as 2 x fascia boards on main office building; 1 x signpost and 5 x 1x1.2 hanging signs on lamppost on perimeter.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The advertisements were all in place at the time of my site visit.
3. The Council issued a split decision in which advertisement consent was granted for the signpost and two fascia boards. For the avoidance of doubt, this appeal therefore relates only to the five hanging signs.

Main Issues

4. The main issues are the effect of the advertisements on the visual amenity of the area and on public safety.

Reasons

Visual amenity

5. The appeal site is situated on the southern side of London Road East which is largely undeveloped and within the Green Belt. The opposite side of the road is primarily residential in character.
 6. Being attached at a relatively high level to the lighting columns along the site frontage, the five hanging signs are very prominent and highly visible in the street scene. I appreciate that the signage relates to an existing business, however, the resulting appearance is more akin to a commercial context rather than that of a Green Belt where in this case there are no other businesses competing for attention. Here the signage appears overly dominant and obtrusive. The number and frequency of the signs also results in a significant degree of visual clutter.
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7. I therefore find that the signs are harmful to the visual amenity of the area, thereby conflicting with Saved Policy BH.17 of the Bath and North East Somerset Local Plan including minerals and waste policies (LP) which states that consent for the display of an advertisement will be granted provided that a number of criteria are met, including that it would not be detrimental to visual amenity. The signage also conflicts with paragraph 67 of the National Planning Policy Framework which highlights that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
8. The Council's reason for refusal refers to conflict with Saved LP Policies D.2 D.4, GB.2 and T.24 and Policy CP6 of the Bath and North East Somerset Core Strategy (CS). However, these policies primarily relate to proposals for new development rather than advertisements and the regulations to control advertisements require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Public safety

9. The approaching section of London Road East, from the south east, is relatively straight with no intervening buildings on this side of the road. This therefore allows drivers to assimilate the advertisements as they approach and they are not unduly distracting.
10. However, in approaching from the mini-roundabout from the north west, there is less time to assimilate the signage. With the positioning of a bus stop in this approaching view there are a number of aspects competing for the attention of drivers and within this context there is in potential for conflict arising from drivers being distracted by the signage on the opposite side of the road.
11. I therefore find that the proposal is prejudicial to public safety and in conflict with the first criteria of Saved LP Policy BH.17, which relates to the same.

Conclusion

12. For the reasons set out above, the appeal is dismissed.

Richard S Jones

Inspector