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# Appeal Decision

Site visit made on 3 July 2017

**by D. M. Young BSc (Hons) MA MRTPI MIHE**

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

**Decision date: 28 July 2017**

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**Appeal Ref: APP/K0235/Z/17/3175057**  
**14-15 St Pauls Square, Bedford, MK40 1SL.**

- 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 Wodka Live UK Limited against the decision of Bedford Borough Council.
  - The application Ref 17/00482/ADV, dated 16 February 2017, was refused by notice dated 18 April 2017.
  - The advertisement proposed is "Front Elevation - Statues with likeness of The Blues Brothers attached to plinths and Pop Art Artwork Panels (externally illuminated) Side Elevation - Pop Art Artwork Panel (externally illuminated)".
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## Decision

1. That part of the appeal relating to the pop art artwork panels on the front and side elevation of the building is dismissed.
2. That part of the appeal that relates to the two Blues Brothers statues is allowed and express consent is granted for their display. 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.

## Preliminary Matters

3. The adverts described in the final bullet above have already been erected. I have dealt with the appeal accordingly.
4. I have taken the description of development from the Appeal Form which is more succinct than the version provided on the Application Form.
5. The site lies within the Bedford Conservation Area (BCA). I have therefore paid special attention to the desirability of preserving or enhancing the character and appearance of the BCA in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## Main Issue

6. The main issue is the effect of the advertisements on the visual amenity of the surrounding area including the BCA.

## Reasons

7. Paragraph 67 of the Framework makes it clear that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. The essence of the Council's case is that the adverts by

virtue of their size, illumination and prominence are harmful to the significance of the BCA and the setting of nearby listed buildings.

8. The appeal relates to two Blues Brother statues that have been erected on plinths at first floor level on the facade of the building. Between the statues are two externally illuminated pop art poster panels have been installed between the windows at first and second floor level. Finally, an externally illuminated large pop art poster panel has been installed on the side gable wall.
9. The appeal property is located on the north side of St Pauls Square which contains a wide array of listed buildings of historic and architectural interest. Although the appeal property is not itself listed, it is mentioned in the BCA Character Appraisal as being of merit and making a positive contribution to the character of the Conservation Area.
10. The area is however unmistakably commercial with a multitude of illuminated and non-illuminated displays together with other visual clutter such as lighting columns, traffic lights and street signage. It was apparent from the number of bars and restaurants I saw that the area around St Pauls Square is a focal point for the town's night-time economy. However, advertisements tend to be located at street level floors and are proportional to their host building which prevents them from appearing unduly prominent in the street scene. Where high level advertisements do exist they tend to be in the form of projecting box signs or flags attached to poles neither of which conceals large areas of the facade.
11. With regards to the pop art poster panels, I share the Council's concerns. These are garish and obtrusive features that are highly visible over a wide area on account of their size and height and at night by the uplighters. They introduce signage at a high level where there are very few such features in the locality. To my mind they represent a marked departure from the more traditional displays which adorn other buildings in the vicinity. For these reasons I find the posters form a dominant and conspicuous addition to the appeal property. This part of the appeal is therefore unacceptable and notwithstanding the level of local support, they cause significant harm to the amenity of the area. They also fail to preserve the character and appearance of the BCA.
12. By contrast, the statues are not disproportionately large and subject to the removal of the poster panels they would not, in themselves, unacceptably clutter the building. The statues have been positioned symmetrically in a way that corresponds with the ground floor windows. That along with the neutral colouring helps to reduce their visual presence. Consequently, they do not draw the eye in the same manner as the posters and although they have a degree of permanence, the statues are not secured to the building and could be easily removed if required in the future.
13. I accept that the statues are unusual perhaps quirky features. Although not directly comparable to the statues in this case, I have noted other examples in the local area highlighted by the appellant. I also accept that the Blues Brothers, as far as I am aware, have no historical association to Bedford. Nonetheless, there is a tenuous connection given the premises appears to be a popular music and entertainment venue. In any event, there should always be some place for the unexpected provided it does not cause harm to its surroundings. In this particular instance I do not consider the statues

meaningfully obstruct views of the host building or fetter one's appreciation of the wider BCA or the setting of nearby listed buildings. For these reasons I conclude that they do not harm the amenity of the area or the character and appearance of the BCA and should be allowed to stay.

### **Conclusion**

14. As the pop art artwork panels are clearly severable both physically and functionally from the statues, I intend to issue a split decision. I therefore conclude that the appeal should be allowed insofar as it relates to the statues and dismissed insofar as it relates to the pop art artwork panels.

*D. M. Young*

Inspector