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## Appeal Decision

Site visit made on 13 July 2017

**by H Butcher BSc (Hons) MSc MRTPI**

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

**Decision date: 3<sup>rd</sup> August 2017**

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**Appeal Ref: APP/F0114/Z/17/3176965**  
**57-59 Walcot Street, Bath, BA1 5BN**

- 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 Melanie Giles Hairdressing Ltd against the decision of Bath & North East Somerset Council.
  - The application Ref 16/05423/AR, dated 4 November 2016, was refused by notice dated 7 April 2017.
  - The advertisements proposed are building facade advertisements identifying the business operation and building number.
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### Decision

1. That part of the appeal that relates to the advertisements 'Nos 57-59' and 'MELANIE GILES' is dismissed. That part of the appeal that relates to the advertisement 'HAIR & BEAUTY' as applied for is allowed and express consent granted for its 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 Matter

2. The appeal before me follows an application for express consent for three advertisements painted onto the front elevations of the appeal buildings: 1) 'Nos 57-59' 2) 'MELANIE GILES' and 3) 'HAIR & BEAUTY'. I have therefore determined the appeal on this basis.

### Main Issue

3. The main issue is the effect of the advertisements on the character and appearance of the surrounding area.

### Reasons

4. 57-59 Walcot Street are two and three storey buildings which fall within the Bath Conservation Area and World Heritage Site. The section of Walcot Street to which the appeal property belongs is dominated by traditional two and three storey buildings, the ground floors of which are largely in retail use. Consequently advertisements are, in the main, confined to ground floor level fascia boards, leaving the upper floors of the buildings clear from such paraphernalia.
5. At the time of my site visit three similar advertisements to those which form the basis of this appeal were painted onto the front elevations of the buildings.

These were the subject of a previous application for advertisement consent which was refused (ref 16/02104/AR). The proposal before me is for the same advertisements but with smaller lettering. Furthermore, advertisement 3) is to be relocated to the ground floor fascia board.

6. Although not as big as the existing, advertisements 1) and 2) would still be unacceptably large when compared to other shop signs in the area. Their position at first floor level would further exacerbate their visual dominance. As such they would appear out of keeping with their surroundings to the detriment of the character and appearance of the area and its amenity. Whilst one of the appeal buildings previously had a large sign this was confined to the ground floor.
7. The appellant has referred to various signs in the area. As set out previously signs above ground floor in the immediate area surrounding the appeal site are the exception rather than the norm and have not significantly changed the character of the area so as to alter my findings above. Other high signs referred to include historic signs on the sides of buildings and those on larger buildings such as hotels and leisure complexes which I do not consider to be directly comparable to the appeal before me.
8. Notwithstanding the harm I have found above I consider that the size and position of advertisement 3), which would have the smallest lettering of all the proposed advertisements and would be confined to the ground floor fascia board, would be in-keeping with its surroundings and therefore acceptable in amenity terms. I also find no harm in terms of the overall style of lettering of the advertisements which is part of the branding of the business.
9. The Council has referred to policies in the Bath and North East Somerset Local Plan, Core Strategy, emerging Placemaking Plan, and Design and Conservation Guidance: Commercial signage and tables and chairs on the highway. Whilst not decisive, I have had regard to these as material considerations, in particular where the above guidance recommends that external commercial signage should be confined to the ground floor.

#### *Other matter*

10. The painted colour of the building does not appear to fall within the definition of an advertisement as defined in section 336 (1) of the Town and Country Planning Act 1990 (as amended) and as such is not a matter for me to determine in the context of an appeal made under Regulation 17 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### **Conclusion**

11. I have had regard to all matters, including the five letters of support received in respect of the proposed advertisements. However, these do not alter my conclusion that that the display of advertisements 1) and 2) would be detrimental to the interests of amenity. The display of advertisement 3) is, however, acceptable on amenity grounds.

*Hayley Butcher*

INSPECTOR