
Appeal Decision

Site visit made on 20 August 2019 by Scott Britnell MSc FdA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/F0114/Z/19/3233076

Red Bridge House, Kia Motors, Lower Bristol Road, Westmoreland, Bath BA2 3EW

- 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 Mr Kevin Palmer of Allen KIA Bath against the decision of Bath and North East Somerset Council.
 - The application Ref 19/01256/AR, dated 26 March 2019, was refused by notice dated 16 May 2019.
 - The advertisement proposed is described as "a purpose designed, double sided, mobile, free standing point-of-sale device to display images of the products and services we sell on the premises".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The sign to which this appeal relates is already in place. I have therefore considered the appeal on this retrospective basis.

Main Issues

4. The main issues for the appeal are:
 - The effect of the proposal on the amenity of the area, including the setting of nearby listed buildings and the occupants of surrounding properties.
 - The effect of the proposal on public safety.

Reasons for the Recommendation

5. This appeal relates to an illuminated double sided sign (the sign) of approximately 3.62 metres wide by 2.57 metres high, sitting on a stand of 2.31 metres in height (these measurements are taken from the drawings and are not disputed by the Council). The sign is located in the south east corner of the Kia garage site, on the junction between Lower Bristol Road

and Midland Road, within the Bath World Heritage Site. The site is the first of 4 garages in a row, and although the appellant suggests that it is located in a commercial area, the surrounding locale is a mix of residential and commercial properties. On the opposite corner of Midland Road stands the Grade II Listed Belvoir Castle Public House. Behind this are the Grade II Listed residential properties on Park View and extending east away from the Belvoir Public House are the Grade II Listed properties at Victoria Buildings. The Council confirm that they consider the front elevation of the Bath Press building to the south west (the rest of the site appears to have been demolished), and the former church at St Peters Place opposite (now flats), to be non-designated heritage assets. There are also traffic lights located in close proximity to the appeal sign on Lower Bristol Road, just beyond the junction with Midland Road.

Amenity

6. While there are a number of signs and adverts along Lower Bristol Road, including relatively tall totem style signs at other garages, the appeal sign appears out of place in this particular location. It is larger than the other signs at this corner of the site and is of a different form and design. It appears over-sized and, given its prominent location on the corner of Lower Bristol Road and Midland Road, overly dominant within the street scene. The sense of incongruity is exacerbated by its illumination, which would cause the sign to further dominate the area at night. Consequently, due to its location, size, form, height, and illumination, the sign appears as an incongruous feature within the street scene, causing harm to the character and appearance of the area.
7. The sign also adds to the existing totem style signs located in the same corner of the appeal site and the other items of street furniture at this corner, including a road sign and traffic lights, thus creating a cluttered appearance. I consider that this cumulation has a negative effect on the appeal site, as well as the overall character and appearance of the area.
8. The sign obscures a great deal of the Grade II Listed Building at Belvoir Castle Public House from view when approached from the west, and in doing so negatively effects how it is experienced. When approached from the east the sign gradually reveals itself from behind the Belvoir Castle Public House, becoming the dominant feature of interest in the street scene and reducing the contribution that this building makes to the area. Consequently, I consider that the sign, due to its location, size, form, height, and illumination, dominates the setting of the Grade II Listed Building at Belvoir Castle Public House.
9. Due to the degree of separation between the listed buildings at Park View and Victoria Buildings with the sign, and the intervening Belvoir Castle Public House, I do not consider that the sign significantly affects their setting. However, it does dominate the immediate area around the junction of Lower Bristol Road and Midland Road, which includes the non-designated heritage assets at St Peters Place and the retained elevation of the Bath Press building. I consider that the dominance of the sign in this setting harms the setting of these buildings. While I consider this harm to the setting of all the heritage assets to be less than substantial, there are no public benefits that outweigh it.

10. The Council refer to the effect of the sign on the living conditions for the occupants of the properties at Victoria Buildings and Park View, by virtue of its size and illumination. Given the level of separation between Park View and Victoria Buildings with the sign, and the intervening Belvoir Castle Public House, I do not consider that the sign significantly affects the living conditions for occupants of these properties.
11. I conclude that the sign is poorly sited and designed and has harmed the amenity of the surrounding area, including the setting of the listed Belvoir Castle Public House. I have taken into account Policies D2, D3, D4, D8, D9 and HE1 of the Bath and North East Somerset Placemaking Plan 2017 (the Local Plan), which generally seek to protect amenity and so are material in this case. Given I have concluded that the proposal does harm amenity, the proposal conflicts with these policies. It does not conflict with Policy D6 which covers the issue of private amenity.

Public Safety

12. The sign is located in close proximity to the traffic lights on Lower Bristol Road with the traffic signal heads on the north side of the road particularly close to the sign. These lights serve a traffic-signal controlled pedestrian crossing, which is located close to the junction with Midland Road. Although I accept the appellant's argument that adverts are meant to be seen, I consider the location of the sign, its size, form, height and illumination is likely to cause a distraction to drivers approaching the traffic lights. In that regard, I agree with the Council that drivers' attention is likely to be distracted such that they may be placed in direct conflict with other vehicles and more vulnerable road users, both at the junction with Midland Road and those using the crossing. Such distraction could lead to late breaking and the increased risk of rear end shunt type collisions, or simply not reading the lights at all and resultant collisions with pedestrians crossing the road. While I note that the appellant refers to numerous sites around the country where similar advertising signs have been displayed, and larger adverts at sites in and around the local area where road traffic speeds would be much higher, I consider that at this particular location the effects of the appeal sign impacts traffic travelling in both directions along the carriageway and is detrimental to public safety.
13. In reaching this conclusion, I have considered whether the situation may be improved if the sign was non-illuminated or controlled so that it was not lit after dark. However, this would not overcome my concerns during day light hours, when I consider that the sign, due to its location, form, size, form and height is as distracting. I have also had regard to the appellant's statement that the sign has been in place since 21 August 2018 without incident. While I have no information before me to the contrary, I do not consider that this necessarily demonstrates the sign to be inherently safe. For the reasons that I have set out I do not consider that that it is.
14. I conclude that the sign is detrimental to highway safety. I have taken into account policy ST7 of the Local Plan which seeks to ensure that highway safety is not prejudiced and so is material in this case. Given I have concluded that the proposal is detrimental to highway safety, the proposal conflicts with this policy.

Other Matters

15. The appellant states that the sign consists of 100% recyclable materials. While I acknowledge that such credentials go some way to fulfilling the environmental aims of sustainable development, my consideration of this appeal is confined to the issues of amenity and public safety.

Conclusion and Recommendation

16. The sign has resulted in harm to amenity and public safety and there is conflict with the development plan, in as far as it is a material consideration. For the reasons given above I conclude that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR