



Appeal Decision

Site visit made on 6 October 2020

By J L Cheesley BA (Hons) DipTP MRTPI

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

Decision date: 12 October 2020.

Appeal Ref: APP/V1505/Z/20/3249499

Iceland Foods Plc, 101 High Street, Billericay CM12 9AJ

- 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 Ken Jones, Iceland Foods Ltd against the decision of Basildon Borough Council.
 - The application Ref 19/01606/ABAS, dated 19 November 2019, was refused in part by notice dated 31 January 2020.
 - The advertisement proposed is an internally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be the effect of the proposal on the appearance of the host building and the character of the Billericay Conservation Area.

Reasons

3. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
4. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The appeal property lies within the Billericay Conservation Area, a designated heritage asset. This Conservation Area is primarily characterised by its traditional retail centre. The appeal property lies within this retail area in an area of small retail properties. A strong characteristic of fascia signs is for a matt finish and non-internal illumination. Traditional and modern shop fronts and fascia constructed in the traditional form that are in keeping with the traditional form of buildings make a positive contribution to the character of the Conservation Area.
6. The front projecting sign, loading bay sign and high level sign to the rear were granted permission and are thus not for my consideration. The front Fascia sign is in place. It comprises modern aluminium materials for the fascia sign, with its vertical individual aluminium slats in a pre-coated redwood finish. Whilst I

note the extent of benefits under deemed consent, the proposal includes the projecting lettering for the logo to be internally illuminated. As the appeal follows an application that includes express consent for the whole fascia sign, I am determining it on that basis.

7. The frontage of the property is of traditional design at first floor level. The vertical red boarded fascia background has an awkward over-elaborate appearance for a fascia background in this historic context. From my observations, due to the design and scale of the fascia and large white lettering, I consider that internal illumination of the lettering would exacerbate the visually intrusive nature of the fascia. This would not be in keeping with the traditional appearance of the first floor of the appeal building and the overriding discrete shop front fascia signs in the area. This would be to the detriment of the appearance of the building and the character of the Conservation Area.
8. For the above reasons, and having taken into consideration all matters raised, I consider that the proposal would have an adverse effect on the appearance of the appeal building and would not preserve the character of the Conservation Area, but this would be less than substantial harm as set out in the Framework.
9. I realise that the proposed advertisement would have some public benefit in that it would advertise the premises. However, I do consider it possible to provide appropriate discrete signage on the premises. Thus, I have attributed limited weight to this matter. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character of the Conservation Area, which I do not consider, for the reasons stated above, are outweighed by any benefits of the proposal. In particular, having regard to the Framework, I find that the harm is not outweighed by any public benefit.
10. The Regulations require that decisions be made only in the interests of amenity and public safety. Therefore, the Council's policies alone cannot be decisive. I have taken into account saved Policy BE18 in the Basildon District Local Plan Saved Policies (2007), which seeks to protect amenity and so is material in this case. Given that I have concluded that the proposed fascia would harm amenity, the proposal conflicts with this policy.

J L Cheesley

INSPECTOR