

Appeal Decision

Site visit made on 29 June 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Reference: APP/V1505/Z/22/3298240

34-36 High Street, Billericay CM12 9BQ

- 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 S Cole (Billericay Leisure Ltd) against the decision of Basildon Council.
 - The application (reference 21/01812/ABAS, dated 14 December 2021) was refused by notice dated 11 March 2022.
 - The advertisement proposed is described in the application form as follows: *"new signage and associated lighting proposed to redundant Argos site"*.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The drawing originally submitted to the local planning authority was the subject of discussion during the course of the application and it has been argued convincingly that the application should be varied by the omission of an internally lit projecting sign, bearing in mind that this omission was also referred to in the Officer's Report on the application. This appeal relates to the proposals that are shown on the amended drawing number 21-049-08-01 A, therefore. Thus, the signage proposed can more precisely be described as externally illuminated fascia signage, lit by trough lighting.

Main issue

3. In relation to this advertisement consent appeal, the legislation makes it clear that the powers conferred by the Regulations may be exercised only in the interests of amenity and public safety; the Development Plan may be a material consideration but cannot be determinative. No objections have been put forward in relation to safety issues in this appeal and, thus, the main issue to be determined in the appeal is the visual impact of the proposed advertisements.

Reasons

4. The High Street in Billericay is a busy commercial centre, with numerous retail and commercial outlets among other things. The High Street is well used by

- both pedestrians and vehicular traffic, although the latter is relatively slow moving.
5. Buildings in the High Street are very mixed in character, with a number of heritage buildings, including some listed buildings, as well as more modern structures which are less impressive. The length of the High Street is designated as the 'Billericay High Street Conservation Area', in recognition of its special qualities.
 6. Number 38 High Street, which adjoins the appeal site, is an historic building that dates from the sixteenth century, with eighteenth century (and later) modifications. By contrast, the appeal building at number 34-36 High Street is one of the more modern twentieth century insertions in the streetscene that is not obviously positive in townscape terms. It has large shop windows on the ground floor, clearly appropriate to retail premises, with a rather blank first floor, finished in brickwork with some modernistic fenestration at this upper level. The principal elevation incorporates a striking coloured banding feature above the shop windows themselves.
 7. It is now proposed that the signage for the new leisure business at the appeal site should be installed on the banding feature referred to, rather than within the shop window element as in the case of neighbouring premises in the same block. The signs would be illuminated by trough lighting rather than by internal illumination, as explained above.
 8. The 'National Planning Policy Framework' emphasises the significance of good design in the context of advertisements (notably at paragraph 136), while Policies BAS BE17 and BAS 18 of the 'Basildon District Local Plan Saved Policies' (dated 2007), particularly relate to "Shopfronts" and "Advertisements" (respectively). Of course, it is important to recognise that the location in the 'Billericay High Street Conservation Area' is especially sensitive from the point of view of design.
 9. The proposed signage would contrast with other signage on the elevation, where the banding feature has been acknowledged and signage kept within the area beneath this feature. Although the proposed lettering is not unattractive in itself, its suggested siting at a higher level on the street elevation would conflict with the established design practice for the shopfronts and would undermine the consistency of the approach that has been adopted. This departure would detract from the appearance of the building itself while drawing greater attention to it in the streetscene and damaging the visual amenity of the surroundings.
 10. I am conscious that the appeal scheme could bring some economic benefits and that the refurbishment of the premises has already achieved some improvements, as claimed. Nevertheless, I have concluded that the proposed signage would harm the appearance of the existing shopfront and that it would, moreover, undermine the visual qualities of the surroundings in the Conservation Area.
 11. The removal of the internally illuminated signage is, no doubt, an improvement on the scheme as a whole, but I remain convinced, on balance, that the signage which is the subject of this appeal ought not to be allowed. Although I

have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR