



Appeal Decision

Site visit made on 8 August 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2023

Appeal Ref: APP/F0114/Z/23/3325764

Part Ground and First Floor, 12 Southgate Street, Bath BA1 1TG

- 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 Ed Kirke of The Gym Group against the decision of Bath and North East Somerset Council.
- The application Ref 23/01197/AR, dated 27 March 2023, was refused by notice dated 18 May 2023.
- The advertisement proposed is the installation of replacement signage to the entrance of gym premises.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed signs on the visual amenity of the area.

Reasons

3. Powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety. In my determination of the appeal, the Council's policies have not therefore, by themselves, been decisive.
4. 12 Southgate Street is within the Bath Conservation Area. I have therefore also had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
5. I note that advertisement consent was granted for existing signage under reference 22/02922/AR. That has been provided on site and I was able to see it on my visit. The proposed signage is of the same size, scale and design, but differs in terms of the colour of the signs. Consequently, I will focus on the colour of the signs in the remainder of my reasoning.
6. When viewed from certain public viewpoints around 12 Southgate Street, the proposed signage would be substantially more visible than signage on other units near to the site due to its colour. Particularly when stood facing the site on St James' Parade or Somerset Street, the signage on other units around the site are muted with dark colours that do not visually conflict with the local stone. Even when stood on Southgate Street looking southwards towards the site with other commercial units in the foreground, the bright colours of the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

proposed projecting sign would be more easily noticeable and overtly eye catching than existing signage along the street near the site.

7. The proposed signage would have a jarring effect and result in an incongruous form of advertisement in this historic and traditional city centre location. As a result, the proposal would not preserve or enhance the character or appearance of the Bath Conservation Area.
8. My attention has been drawn to signage on other commercial premises in the local area where a business has used its typical corporate logo and colours. However, the majority of the signs I have been shown are significantly more muted in their colour than the proposed signage. Moreover, the majority of the provided examples of other signage are located elsewhere in the local area within a different context. On the basis of the information before me, signage in different locations do not provide a justification for the proposal, which I have considered on its own merits.
9. I therefore conclude that the proposal would be harmful to the visual amenity of the area. Consequently, there is conflict with Policies HE1, D2 and D9 of the Bath and North East Somerset Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update, and Paragraph 136 of the National Planning Policy Framework (the Framework).

Other Matters

10. The appellant has set out that a key part of the successful running of the business model is the need to maintain a strong presence and visibility of their brand. I appreciate this, however, I have little substantive evidence before me that demonstrates that the business model is, or would become, unviable with the signage that is currently on the premises. As such, I can only afford little weight to this argument, and it would therefore not outweigh the harm that I have identified.
11. I also acknowledge that the business contributes to the local economy, and the health and wellbeing of the local community, but these benefits are not sufficient to outweigh the harm to the amenity of the area that I have identified.

Conclusion

12. For the above reasons, and having regard to all other matters raised, I find that the proposal would harm the visual amenity of the area. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR