



Appeal Decision

Site visit made on 8 October 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2024

Appeal Ref: APP/E3335/H/24/3345787

B & Q, Station Approach, Frome BA11 1RE

- The first part of the appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Amis against the decision of Somerset Council.
 - The application Ref is 2021/2574/ADV.
 - The advertisements proposed are-
 - Sign 001 - Internally illuminated B&Q sign
 - Sign 002 - Non illuminated Entrance directional wall sign
 - Sign 003 - Non illuminated Aluminium panel reading "shop day or night at diy.com"
 - Sign 004 - Entrance Exit door vinyls
 - Sign 005 - White vinyl "Automatic door" vinyls
 - Sign 006 - Non illuminated aluminium panel
 - Sign 007 - non illuminated aluminium panel disclaimer
 - Sign 008 - Internally illuminated B&Q sign
 - Sign 010 - Internally illuminated B&Q sign with a non illuminated aluminium panel "shop day or Night at diy.com"
 - The second part of the appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The advertisements permitted is 3no. illuminated, 4no. non-illuminated signs & door vinyls.
 - The condition in dispute is No 4 which state that: Notwithstanding the details submitted, none of the signs hereby permitted shall be illuminated.
 - The reasons given for the conditions are: To protect the visual amenity of the area and the living conditions of nearby residents in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
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Decision

1. The appeal is allowed and express consent is granted for the display of the Installation of Sign 001 - Internally illuminated B&Q sign; Sign 002 - Non illuminated Entrance directional wall sign; Sign 003 - Non illuminated Aluminium panel reading "shop day or night at diy.com"; Sign 004 - Entrance Exit door vinyls; Sign 005 - White vinyl "Automatic door" vinyls; Sign 006 - Non illuminated aluminium panel; Sign 007 - non illuminated aluminium panel disclaimer; Sign 008 - Internally illuminated B&Q sign; Sign 010 - Internally illuminated B&Q sign with a non illuminated aluminium panel "shop day or Night at diy.com" at B & Q, Station Approach, Frome BA11 1RE in accordance with the terms of the application, Ref 2021/2574/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of

Advertisements) (England) Regulations 2007 (as amended) (the Regulations) and the following additional condition:-

- 1) Only the advertisements identified as signs 001, 008 and 010 shall be illuminated, and these signs shall only be illuminated during the hours of 7am – 8pm.

Preliminary Matters

2. The application the subject of this appeal relates to 3 illuminated signs (signs 001, 008 and 010), 4 non-illuminated signs and door vinyls as described in the banner heading above. The Council issued a split decision which granted consent for all of the signs proposed except the sign identified as sign 009 (4m high non illuminated directional totem). Furthermore, the Council imposed a condition preventing any of the signs it permitted being illuminated.
3. Although the appeal form indicates that the reason for the appeal is that the Council refused permission to vary or remove a condition, it is clear from appeal documentation that the appeal relates both to the Council's decision to refuse to grant express consent for sign 009, and against condition 4 relating to non-illumination (in particular in relation to signs 001, 008 and 010). I have considered the appeal on this basis.
4. The advertisements which are the subject of this appeal have been implemented. Consequently, I have dealt with the appeal as involving an application for retrospective consent.
5. The Council has referred to a development plan policy in its reasons for refusal. Advertisement proposals can only be considered on the basis of amenity and public safety considerations. I have therefore taken the development plan policy into account only as far as it relates to these issues.

Main Issue

6. The main issue is the effect of the advertisements on the visual amenity of the area, and in particular the Frome Conservation Area (FCA) and nearby listed buildings.

Reasons

7. The appeal site is adjacent to but outside of the FCA. The part of the FCA adjacent the appeal site is within 'character area 3' as detailed within the Frome Conservation Area Appraisal and Management Proposals 2008 (FCAA). The FCAA notes that this character area lacks architectural coherence, and the area is characterised by robust development alongside a route that has performed the role of a bypass for several centuries. It continues that this character area is typified by commercial, office and educational uses although there are a significant number of dwellings.
8. I observed that the significance of the FCA as a whole is partly derived from the mix, architectural and historic quality of the area's historic buildings and also the historic pattern of development. The FCA can be clearly experienced from the appeal site due to the proximity and inter-visibility and is therefore within its setting. However, due to the appeal site being within an area of clearly modern commercial and industrial development this setting, in so far as it relates to this appeal, has a neutral contribution to the significance of the FCA.

9. The Grade II listed College Place and boundary walls to Nos 7, 8 and 9, 7-11 Wall Bridge (HA1) are located near the appeal site. The significance of this heritage asset derives in part from the architectural detailing and age. The immediately surrounding area including the appeal site provides an appreciation of the heritage asset's architectural detailing and therefore forms part of its setting. Notwithstanding, given modern commercial and industrial development which can be seen in views in conjunction with the heritage asset, this setting, in so far as it relates to this appeal, has a neutral contribution to the significance of the heritage asset.
10. Furthermore, the Grade II listed Frome Station (HA2) is also located nearby, its significance deriving in part from it being a largely unaltered example of a small station of the period and possibly the last through train shed of its type in use on the Western Region. However, whilst the appeal site is within its setting, this setting is partly formed by commercial development and existing signage at Station Approach and has a neutral contribution to the heritage asset's significance, so far as it relates to this appeal.
11. Sign 009 is located perpendicular to the highway and occupies a prominent position and is seen within views towards the FCA and HA1, although not HA2. However, it is seen within the context of other signage in the area, and in particular totem signs and high-level signage, such as at the fuel station near the site, adjacent B&M store and railway station signage. Moreover, whilst the colour of the sign 009 is bright, it is read in the context of the existing surrounding signage, and the colour of part of the appeal building itself.
12. Therefore, although a relatively tall free-standing sign, sign 009 does not feel unduly intrusive or out of character with the commercial context of Station Approach, and does not result in an unexpected proliferation of signage in the area. It therefore preserves the character and appearance and has a neutral effect on the significance of the FCA, and similarly a neutral effect on the significance of HA1.
13. In relation to illumination, the appellant seeks signs 001, 008 and 010 to be illuminated during opening hours, being 7am–8pm. Sign 008 is sited on the Wallbridge facing elevation, and therefore is visible from residential dwellings along the highway as well as views from the FCA and HA1. Signs 001 and 010 are sited on elevations that face commercial premises, the railway line and HA2.
14. Illuminated signs are a feature of the area. Although an interested party has queried the distance from the appeal site to neighbouring residential dwellings, I observed the distance and spatial relationship to be such that illumination of signs 001, 008 and 010, in combination with restricted illumination hours which can be controlled by condition, would not significantly increase their prominence or be uncharacteristic of the area. Their illumination would therefore result in a neutral effect on the setting and significance of the nearby heritage assets.
15. Consequently, for the above reasons I conclude that the proposal would not harm the visual amenity of the area and, in particular the FCA and nearby listed buildings. I have had regard to and found no conflict with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014). This Policy seeks to ensure, amongst other matters, that proposals are

of high quality design which results in usable, durable, adaptable, sustainable and attractive places, and therefore, is material in this case.

Other Matters

16. I observed that when travelling towards the site from any direction, the appeal site is seen within the context of nearby commercial development and associated signage, some of which is illuminated. Therefore, the signage the subject to this appeal will not appear as a surprise to highway users even when illuminated and given the visibility and speed of vehicles I observed, would not result in a distraction which would cause a risk to public safety.

Conditions

17. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording for the purposes of clarity and with regard to the advice provided in the Planning Practice Guidance. In addition to the five standard conditions set out in the Regulations, a condition is necessary to ensure that illumination is switched off during night-time hours in the interests of protecting the amenity of the area.

Conclusion

18. For the reasons given above, the appeal is allowed.

S Harrington

INSPECTOR