
Appeal Decision

Site visit made on 19 November 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/H1705/Z/24/3352896

11-13 Ground Floor, Winchester Street, Basingstoke, Hampshire RG21 7ER

- 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 Betting Shop Operations Limited against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 22/02618/ADV.
 - The advertisement proposed is described as "installation of 1no. internally illuminated fascia sign and 1 no. projecting sign"
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Decision

1. The appeal is allowed, and express consent is granted for the display of "installation of 1no. internally illuminated fascia sign and 1 no. projecting sign". 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 2007 Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 450 candela per square metre and the illumination shall be static.
 - 2) The advertisement permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. Prior to the making of this recommendation, a revised National Planning Policy Framework (Framework) was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
4. The description of development does not refer to the retrospective nature of the proposal, but it is sufficiently clear from the parties' cases and my site visit that this is the case. I have considered the appeal accordingly. The submitted plans show three sets of vinyls within the window of the shop front. Whilst the description of development does not detail this element, I am satisfied that both parties have commented on them. I have taken them into account. The

same is not true of the two electronic screens in place at the time of my site visit. These are not shown on the plans and the appellant has confirmed they are not part of this scheme.

5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the relevant considerations for this type of appeal. These are amenity and public safety. The Council do not have concerns in regard to public safety and I have no reason to disagree. My recommendation therefore focusses on effect of the advertisement on visual amenity with specific regard to the Basingstoke Town Conservation Area (BTCA).

Reasons for the Recommendation

6. The appeal site is a retail unit located in a historic high street. It is currently being used as a betting shop. The prevailing character of the area is shop fronts on the ground floor with varying uses on the upper floors. Many original features have been retained. The frontages vary in style with many having large open windows and a fascia above with some small protruding hanging signs. There is a mix of modern and traditional design in the High Street, the appeal site leaning toward the former.
7. The overall size and scale of the signage is relative to the same of the shop front and sit comfortably and proportionally with the wider area. Whilst the choice of materials differs from the preferred palette, the evolved street frontages can accept the use of aluminium for the signs. The colour choice does stand out with particular regard to the lime green, but the combination of colours used in conjunction with the wider street scene are not overly or detrimentally prominent. There are instances of brightly coloured signage on other buildings along Winchester Street with which this colour would sit comfortably. The illuminated element is modest and with relevant conditions to limit the time usage and levels, it would not detract from the more traditional elements of the BTCA.
8. The vinyls on the door and window are large. However, the proportion of covering is modest compared with the large open window and views inside the retail unit are still retained. They would be a complementary and compatible feature of the shop front display. Whilst the colour of the vinyls is prominent, they are used to gain attention and are cohesive with the rest of the advertisement design and their overall modest scale would not detract from the other elements of quality within the High Street.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of amenity. The question of considering the harm against the public benefits as required by paragraphs 205 to 208 of the Framework is not applicable.
10. With this and the above in mind, the signage taken as a whole is acceptable in amenity terms and complies with the 2007 Regulations. By association, and for the same reasons, the appeal scheme preserves the character and appearance of the BTCA. The Council has drawn my attention to Policies EN10 and EM11 of the Basingstoke and Deane Local Plan 2016 which seek to ensure that proposals are of a high quality with particular regard to amenity and public safety. The policies are a material consideration of the proposal and as a result

of the above the scheme would sit appropriately with their aims. Nevertheless, they have not been decisive in the appeal.

Conditions

11. The standard conditions should be placed on the consent as per Schedule 2 of the 2007 Regulations. The Council have recommended that a plan and materials condition are to be added. However, as the application is for express consent rather than planning permission this would not be necessary as any deviation from what has been assessed and approved would need a new consent. In addition, the Council have also suggested a condition to restrict other signs from being illuminated, again this would require an additional consent and a condition is not therefore necessary.
12. As the fascia sign is illuminated, in the interests of public amenity it has been deemed necessary to apply a condition to limit the luminance level and the hours of illumination. No further conditions are to be applied.

Conclusion and Recommendation

13. For the reasons given above, the appeal should be allowed in the circumstances and subject to the conditions I have referred to.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions specified.

John Morrison

INSPECTOR