
Appeal Decision

Site visit made on March 16 2015

by Roger Dean BSc DipTP MRTPI

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

Decision date: 26 March 2015

Appeal Ref: APP/B1605/H/14/2229473

12-14 Bath Road, Cheltenham, Gloucestershire GL53 7HA

- 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 Kukui Bars (Cheltenham) Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 14/01644/ADV, dated 5 September 2014, was refused by notice dated 23 October 2014.
 - The advertisement proposed is an externally illuminated sign at first floor level.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal proposal, which is already in place, comprises a number of linked panels portraying an imaginary tropical beach scene in bright colours. With a stated height and length of 2.8 and 10 metres respectively, it occupies most of the upper part of the building's Bath Road elevation and can be illuminated by 3 lights at its base.
3. The site lies within Cheltenham's Central Conservation Area in a part known as the Old Town Character Area. Separated only by the narrow lane of Vernon Place, the adjacent property to the north at No 10 Bath Street is listed as a building of special architectural or historic interest. No. 13 opposite is also listed.
4. I saw at my site visit that signage at these and other commercial properties along the street is far more restrained and predominantly displayed at ground floor/ fascia level. Only a very few properties are vacant and I saw no evidence of many windows boarded up as the appellants suggest. In Bath Road, the advertisement proposed to be retained dominates the building's façade and it is particularly prominent in views towards the road along Bath Street. This is indicated in the Council's Townscape Analysis Map as a key view/vista in this character area.
5. In this overall context, the appeal proposal is wholly discordant by reason of its scale and positioning, exacerbated by its vivid composition and illumination. By such means, it fails to preserve the special architectural / historic character and

appearance of the area. Thus, I find on the main issue arising in this case that it has a significantly harmful effect on the visual amenity of this part of the town.

6. Clearly, the appeal proposal does not satisfy the requirements of Policies BE12 and BE13 of the Cheltenham Borough Local Plan Second Review. Whilst this is not in itself decisive, it is a factor that I take into account in my assessment of the impact of the proposal on the amenity of the area.
7. The appellants say that they provide an aspirational and professional entertainment venue which they wish to advertise in a way showing their passion. They also state that the advertisement assists with the integrity of the external building structure. However, the Regulations require decisions to be made only in the interests of amenity and, where applicable, public safety. The latter is not raised in this case. Therefore, the issue of amenity, as I have identified, must be decisive. The appeal therefore fails.

R G Dean

INSPECTOR