
Appeal Decision

Site visit made on 28 August 2016

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/H1033/Z/16/3150415

Pizza Express, 14 Cavendish Arcade, Buxton, Derbyshire SK17 6BQ

- 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 Pizza Express against the decision of High Peak Borough Council.
 - The application Ref HPK/2015/0653, dated 28 November 2015, was refused by notice dated 18 March 2016.
 - The advertisement proposed is described as 1 set of high level text non-illuminated.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council described the proposed display as comprising 1 set of high level replacement text and 1 non-illuminated awning with text. The appellant suggests on the appeal form that the awning signage does not require advertisement consent. However, this aspect of the proposal is described on the application form and detailed drawings are provided. Furthermore, the appeal follows an application for express consent. I shall therefore determine the appeal on this basis and will use the Council's description.
3. The Council's reason for refusing the application refers to the illumination of the signage. However the signs for which consent is sought are non-illuminated and I have dealt with the appeal accordingly.
4. An application for listed building consent for the proposed advertisement display was also refused. An appeal against that decision has recently been made and will be determined separately in due course.
5. The High Peak Local Plan April 2016 was adopted after the Council's decision on the advertisement application was made. Its relevant policies are referred to in evidence. This appeal has been determined in accordance with its provisions.
6. There are a number of internally illuminated signs being displayed from within the appeal building which I understand have previously been approved. They are not for consideration as part of this appeal.

Main Issues

7. Advertisements are subject to control in the interests of public amenity and public safety. In respect of public amenity the main issues in this appeal include the statutory duty to determine whether the proposed signage
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preserves or enhances the character or appearance of the Buxton Central Conservation Area. Notwithstanding the acknowledgement by the main parties that listed building consent is required for the proposed display, the factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore the display of the signage on the listed building is a material consideration in this appeal. No objections are raised in respect of public safety and there are no reasons to take a different view.

Reasons

8. The Grade II listed Cavendish Arcade is a focal terrace dating from 1852-53 which contains a number of retail units and the appeal site restaurant. The Arcade stands in a prominent town centre location and has undergone a number of name changes over the years. In summary, the building comprises dressed painted stone with painted ashlar dressings. On the front elevation is an 18 bay ornate cast-iron and glass projecting canopy, supported on 19 cast-iron columns with fluted shafts.
9. The appeal site is a restaurant at the corner of Cavendish Arcade where it turns into George Street. The appeal signage is already being displayed. A fabric awning containing an advertisement has been erected on the curved return elevation above an entrance. The awning is the width of the doorway, has sides, and conceals the upper details of the shop front, including a fanlight, thereby detracting from the integrity of an intrinsic feature of the building's design. Furthermore the design of the awning is out of keeping with the character of the host building and it appears incongruous. Overall I conclude that the advertising awning sits uneasily with and detracts from the appearance of the listed building, fails to preserve the character or appearance of the Buxton Central Conservation Area and harms visual amenities.
10. The white aluminium lettering replaces a similar high level display on the curved corner of the building. However, the unduly assertive and somewhat stark white colour contrasts stridently with the stonework background, leading to a visually intrusive display on a prominent corner. As a result, I conclude that this element of the signage scheme is unsympathetic to the character of the host listed building, fails to preserve the character or appearance of the wider Buxton Central Conservation Area and harms visual amenity.
11. I have taken into account Policy EQ6 of the High Peak Local Plan (LP) which sets out requirements for high quality design and LP Policy EQ7 which seeks to conserve heritage assets in a manner appropriate to their significance, including by respecting the character, scale, proportion and special interest of the host building or its setting and so are material in this case. Given that I have concluded that the proposal would fail to preserve the character and appearance of the listed building and the conservation area and would thus harm visual amenity, the proposal conflicts with these policies.

Elaine Benson

INSPECTOR