
Appeal Decision

Site visit made on 19 September 2016

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/W4705/F/15/3141525

Fakhri Print Solutions,

3 Southbrook Terrace, Bradford, West Yorkshire BD7 1AB

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Fakhri Print Solutions Ltd against a listed building enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The listed building enforcement notice (LBEN), Ref LEG/PCD/KH/LD/72864 was issued on 19 November 2015.
 - The contravention of listed building control alleged in the notice is the display of advertisements on the north-east (front) facing elevation of the building.
 - The requirements of the notice are to remove the unauthorised advertisements from the north east facing (front) elevation of the building.
 - The period for compliance with the requirements is one calendar month.
 - The appeal is made on ground (e) only as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed. See formal decision below.

Matters of clarification, relevant policy and background information

2. The appeal building, along with the rest of this mid-19th century terrace is listed in Grade II. The properties are elevated above the road and formerly had small garden areas to the frontages. These have been opened up and are now used for parking to the front of the various premises. The uses of the properties are mixed. Some are commercial and some are residential. Other commercial premises have advertisements fixed to their elevations and some have advertisements fixed to the steps and fencing. The site lies within the Little Horton Conservation Area (LHCA).
3. An application for advertisement consent (14/0369/ADV) was refused on the basis that the illuminated box sign detracts from the character and appearance of the locality, as well as from the historic and architectural features of the listed building and the LHCA. It was also considered that the illumination detracted from the visual amenities of the area. The Council considers that the proposals are contrary to the Replacement UDP policies D15 (Advertisements); BH6 (Display of Advertisements on Listed Buildings); BH7 (New Development in Conservation Areas); UR3 (The Local Impact of Development); BH13 (Advertisements in Conservation Areas and D1 (General Design Considerations).
4. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also major material considerations in this case and I have had regard to the relevant policies and guidance set out. These include those set out in the NPPF at section 7 (Requiring good design) and section 12 (Conserving and enhancing the

historic environment). Because the site lies within the LHCA I have paid special attention to the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).

Main issues

5. The main issues are the effects of the advertisements on the integrity and character of the listed building; on its setting (and the setting of the rest of the listed terrace); on its architectural and historic features and on the character and appearance of the Little Horton Conservation Area.

6. The advertisements enforced against are the fascia sign, signage on the railings and the opening times which are displayed below the ground floor window. In support of the retention of the advertisements the appellant indicates that the fascia sign is black and is not three-dimensional; that it is only illuminated in Autumn and Winter; that the illumination is static; that a previous sign was three-dimensional; that the position could be changed and that it is required for business awareness. It is also stated that the railings advertisement is a continuation from a previous use; that all of the signage is necessary to inform customers and that the locality is predominantly commercial.

7. Having seen the advertisements from both near and distant viewpoints I share the Council's concerns about the effects on the listed building, the overall setting and the character and appearance of the LHCA. I acknowledge that the area is mainly commercial and I also noted more obtrusive signage on other buildings within the terrace. I also accept that previous users had advertisements on both the building frontage and the railings. However, I must consider whether to grant listed building consent for what is in place now in relation to the Listed Building Enforcement Notice (LBEN) issued.

8. Unlike enforcement for planning contraventions, there is no time limit placed on Local Planning Authorities for issuing a LBEN. In this case whilst acknowledging that there are other inappropriate advertisements in the immediate area, I have considered the appeal advertisements on their merits.

9. Taking the fascia first, it more or less completely fills the gap between the top of the ground floor window and the sill of the first floor window. It is also very close to the stone entablatures around the entrance door to No 3 and the adjoining property. I consider that it is obtrusive and visually harmful to the character and integrity of the listed building. It also detracts from the window and door detailing which form important historic and architectural features of the property.

10. The advertisement on the railings is, in my view, even more alien and obtrusive to the frontage. It hides the bottom of the doorway surrounds and the door and is a 'flimsy' and temporary looking sign. The signage below the window giving opening times also detracts markedly from the character of the building and this ground floor window. Taken together the advertisement signage appears as a 'hotch-potch of' inappropriate and visual harmful appendages to the front of this well-proportioned listed building.

11. Again I acknowledge that there are equally if not more harmful signage on nearby properties and these all affect the settings of the listed buildings. The appeal advertisements contribute significantly to this overall detrimental effect. It follows that the advertisements at No 3, as well as being harmful to the listed building, its setting and its features of architectural and historic interest, neither preserve nor enhance the character or appearance of the LHCA.

12. I consider that the works/advertisements as carried out are contrary to policies UR3, D1, BH6, BH7, D15, and BH13 of the RUDP. They are also contrary to the NPPF in that they are of poor design and fail to conserve or enhance the character or appearance of the LHCA. The LPA would not have granted consent for the advertisements in the first place and indeed refused the retrospective application. There can be no justification in my view to grant consent at this appeal stage. The appeal fails, on ground (e).

Other Matters

13. In reaching my conclusions that consent should not be granted for the unauthorised advertisements, I have taken into account all of the other matters raised by the appellant and the Council. These include the planning history of the site; the photographs of the previous signage; the details set out on the grounds of appeal; the Council's statement of case and the Officer's Report.

14. However, none of these matters alters my conclusion that listed building consent should not be granted for the advertisements currently on the listed building. Nor is any other factor of such significance so as to change my decision.

Formal Decision

15. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Anthony J Wharton

Inspector

