
Appeal Decisions

Site visit made on 26 September 2016

by J Flack BA Solicitor

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

Decision date: 5 October 2016

Appeal A: APP/V2635/Y/16/3153057

50 High Street, King's Lynn, Norfolk PE30 1BE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by W H Smith Plc against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00599/LB, dated 15 March 2016, was refused by notice dated 17 May 2016.
 - The works proposed are alter exterior signage.
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Appeal B: APP/V2635/H/16/3153060

50 High Street, King's Lynn, Norfolk PE30 1BE

- 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 W H Smith Plc against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00536/A, dated 15 March 2016, was refused by notice dated 13 May 2016.
 - The advertisements proposed are fascia sign and projecting sign.
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Decisions

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

Reasons

3. High Street is a pedestrianised shopping street at the centre of the ancient town of King's Lynn. It lies within the King's Lynn Conservation Area, and contains a rich variety of buildings. A number are evidently of considerable antiquity, and modern buildings are generally of sympathetic scale and design. Nos 48 – 51 constitute a Grade II listed building dating from the early C19. The list entry contains a GV annotation, but this is indicative that this building has group value in the context of other nearby historic buildings, rather than that it has been listed only on account of that group value, and in my view the building is an appealing historic building in its own right. The restrained and formal composition of the upper floors is attractive and the four units comprised in the building display an overall symmetry and rhythm at these levels, despite some minor variations in fenestration and other detailing. Moreover, whilst all four units have modern shopfronts, they are nevertheless sympathetic to the building through their use of traditional materials and a

design approach inspired by, albeit not precisely replicating, early C20 shopfronts. The similarity of the designs helpfully complements the overall consistency of the upper floors.

4. The proposed advertisements would comprise a fascia sign and a hanging sign. Both would be provided with illumination by means of projecting light bars. The appellant asserts that the proposed signs would represent a vast improvement on previous displays at No 50, but I have no information about these and I understand that the current signage at No 50 was refused consent by the Council in 2015.
5. The proposed signs would have a simple and uncluttered design, displaying only the name of the business and employing white lettering on a single dark coloured background. I also note that the fascia sign would be contained within the existing timber fascia edge moulding, but there would be no other traditional detailing and the proposed materials, comprising powder coated aluminium panels and vinyl lettering, would have a resolutely contemporary nature and appearance which would be somewhat at odds with the character of the listed building.
6. However, my principal concern is the proposed illumination of both signs. The detailing of the upper floors of the listed building is subtle, and the illumination would emphasise the contemporary appearance of the proposed signage and draw attention away from the positive aspects of the listed building I have identified above, which are the principal contributors to its significance. Moreover, I saw that only one of the four units, No 48, has an illuminated fascia sign, and none has an illuminated hanging sign. The introduction of illuminated signs at No 50 would be a very noticeable and unacceptable further diminishment of the overall integrity and consistency of the building I have identified. This harm would not be sufficiently mitigated by the appellant's offer to extinguish the illumination at the end of trading hours. No limitation or definition of what those trading hours would be is provided, and even if they were restricted to the hours currently indicated in the shop window, there would still be appreciable periods of illumination during the winter months.
7. I conclude therefore that the proposal would not preserve the special interest of the listed building. It would also diminish the positive contribution that the listed building makes to the conservation area. Moreover, I saw on my visit that whilst there is some variety in the design and materials of the signs displayed on buildings in High Street in the vicinity of the appeal listed building, a clear majority of fascia signs are not illuminated, there are very few illuminated hanging signs, and there is generally a considerable degree of conformity with the advice relating to illuminated signs contained in the Council's Guidance Note on shopfronts and advertisements. For these reasons I conclude that the proposal would not preserve the character or appearance of the conservation area, and it would also be harmful to the interests of amenity. Moreover, whilst policies of the development plan are not determinative to my assessment, they are relevant to it, and there would be conflict with Policy CS12 of the Core Strategy¹, which seeks to protect the historic environment.
8. Within the overall context of the listed building and conservation area, the harm I have identified would amount to less than substantial harm for the purposes of the National Planning Policy Framework (the Framework), and

¹ King's Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy July 2011

paragraph 134 requires that such harm be weighed against the public benefits of the proposal. It is important that listed buildings are maintained in beneficial use, and appropriate signage is integral to the success of any retail business. However, I am not persuaded that the illuminated signs proposed are necessary to the viability of the shop given that many other shops in this apparently thriving part of the town centre are trading successfully without illuminated signage. There is no indication that street lighting is inadequate, and I thus do not consider that the appeal signs would make a meaningful contribution to the reduction or prevention of crime.

9. The desirability of preserving the listed building and the conservation area are matters to which considerable importance and weight are to be accorded, and I conclude that there are no public benefits of the proposal which would outweigh the harm which would be caused to the designated heritage assets. It follows that the proposal would be contrary to the historic environment policies of the Framework.
10. I have taken into account all other matters raised in the evidence before me, but nothing arises which disturbs the conclusions I have reached above. The appeals are therefore dismissed.

J Flack

INSPECTOR