

Appeal Decisions

Site visit made on 27 September 2016

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

Decision date: 07 October 2016

Appeal A: APP/C2741/W/16/3153095

Jamie's Italian, 26 Lendal Cellars, Lendal, York YO1 8AA

- 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 Jamie's Italian Ltd against the decision of City of York Council.
 - The application Ref 16/00336/ADV, dated 11 February 2016, was refused by notice dated 13 May 2016.
 - The advertisements proposed are the proposed display of the following advertisements: Arch Sign, Lectern Menu Board, Alleyway Sign, Courtyard Jamie Oliver Entrance, Wall Logo, Alleyway Archway, Planter Signage Sign, Underpass Sign, New Archway Signage, New Fascia Sign.
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Appeal B: Ref: APP/C2741/Y/16/3153096

Jamie's Italian, 26 Lendal Cellars, Lendal, York YO1 8AA

- 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 Jamie's Italian Ltd against the decision of City of York Council.
 - The application Ref 16/00341/LBC, dated 11 February 2016, was refused by notice dated 13 May 2016.
 - The works proposed are the proposed installation of signage.
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Decisions

1. Appeal A is dismissed insofar as it relates to the proposed display of new fascia sign. The appeal is allowed, however, insofar as it relates to the remainder of the application, and express consent is granted for the display of the new alley archway signage¹. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.
2. Appeal B is dismissed.

Procedural Matters

3. The application that forms the basis of Appeal A proposed a number of new and altered signs for the premises. The Council issued a split decision, approving the majority of the signs but dismissing the proposed alley archway and new fascia sign. In my decision I have merely considered the signs that were refused. Appeal B relates solely to the fascia sign.

Main Issue

4. The main issue in these cases is the effect of the proposed alley archway and fascia sign on the visual amenity of the area having particular regard to the

¹ Sign 08, as shown on Plan no JD-EXT-002 Rev A

Grade II listed status of the host building, the setting of nearby listed buildings, and whether the signs would preserve or enhance the character or appearance of the Conservation Area.

Reasons

5. Lendal lies at the heart of the city. The street is a busy thoroughfare, providing access from the edge of the commercial centre on Museum Street into the middle of the city. The street is lined with shops, restaurants and cafés with a mixture of building types, styles and materials. A number of alleys lead off from the street towards the riverbank. One such alley, leading to Lendal Cellars, is located close to the end of the street and opens onto Lendal as it widens into St Helen's Square. The site lies within the Central Historic Core Conservation Area (CHCCA).
6. Jamie's Italian lies at the bottom of this alley, which dog legs to the west, thus restricting any views from the Square of its contents, which consists of the Italian restaurant and the Lendal Cellars, a public house. The attention of passers by to the contents of the alley is drawn by an elaborate archway at the entrance, along with subsidiary signage such as A-frames and lectern style menu boards. The alley is located between the Mansion House and Post Office, listed Grade I and Grade II respectively. The host building and the public house are listed Grade II. The listing notes that the former wine merchant's premises dates from the early 19th century, with a later extension and incorporates late 17th and mid-18th century cellars.
7. On entering the alley, walking underneath an overhead section the pedestrian turns to the right, from where the public house is clearly visible directly in front. Jamie's Italian lies to the left around a slight corner. The frontage of the restaurant is modern. The visibility of the public house is enhanced by a prominent archway over the entrance. Whilst the alleyway is something of a hidden oasis, it is commercial in character and also contains a reasonably sized area of outside seating belonging to the appeal property.

Archway sign

8. The archway would effectively replicate the Lendal Cellars archway, drawing attention to the host premises beyond. The sign would be constructed in blackened steel, with a hanging sign in antique brass with a blackened steel logo. The ends of the archway and its fixings would be concealed within wooden planters. The aim of such planters would be to promote the growth of climbing plants along the archway.
9. The proposed archway sign is well designed with high quality materials and would match the existing arches at Lendal Cellars and the alley entrance. It would neatly section off the area belonging to the appeal property and provide some delineation to the outside seating area. Such a feature is not uncommon in York for advertising purposes; as well as the two nearby I also noted a similar arch at the side entrance to the Roman Bath public house off Finkle Street a short walk to the east of the appeal site. The height of the archway would be less than that of the existing Lendal Cellars arch and would thus appear subordinate to this arch. Due to the simplicity of the design and the framing of the courtyard and listed building beyond that the arch would provide I do not consider that it would cause clutter or cause harm to the amenity of the street scene; the arch would also preserve the setting of the listed building,

both of the host property and those surrounding, and the character and appearance of the CHCCA.

Fascia sign

10. The fascia sign would replace an existing fairly small sign, with a new one covering much of the length and height of the fascia. The combination of the size of the individually mounted new fascia sign lettering (some 400mm high) and the number of letters would mean that the proposal would have the visual effect of virtually filling the length and breadth of the fascia. The lettering would stand proud of the back plate by some 75mm, with hidden LED lights illuminating the sign. Whilst the restaurant frontage is fairly modern, the sheer number and size of the letters, exacerbated by the proposed illumination method would, I consider, despite the canopy located above the fascia, dominate the frontage of the building and adversely affect the character of the host listed building and the character and appearance of the CHCCA.
11. My attention is drawn to other signage in York which the appellant considers is of a similar appearance to that proposed in this instance. In the first instance I note that each application should be dealt with on its own merits. I also note that the Turtle Bay building is not listed, and the lettering is set against a frontage far bigger than that in this instance. Nando's lettering, whilst of a reasonable size, also has substantial areas of fascia left on either side of the signage, and the Gourmet Burger Kitchen has lettering proportionate to its entrance and adjacent window and as such the illumination method at these latter two restaurants would have less of an effect than in this case. I do not consider therefore that any of the examples referred to constitute precedence in this incidence.

Conclusions

12. In their decision notice the Council have referred to a number of policies from the City of York Development Control Local Plan, 2005 (the Local Plan). Policy GP21 states that advertisement consent will be granted for signs where their size, design, materials, colouring and any form of illumination do not detract from the visual amenity of the area in which they are displayed, particularly with regard to the character of listed buildings and conservation areas. Policy HE8 states that within conservation areas or on listed buildings, advertisements will consist of a design and scale that respects the character and appearance of the area, and good quality materials that are sympathetic to the surface to which they are attached.
13. For Appeal A whilst the Local Plan policies may be relevant, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require decisions to be made only in the interest of amenity and/or public safety. I have taken these policies into account as a material consideration, but they are not a determining factor, which I have considered in the light of paragraph 67 of the National Planning Policy Framework and the Regulations. The archway would comply with such policies, whereas the fascia sign would not.
14. For Appeal B, the proposal would be contrary to Policies GP21 and HE8. In relation to paragraphs 132-134 of the National Planning Policy Framework, I consider that the fascia sign would cause less than substantial harm to the significance of the host listed building and the CHCCA. Public benefits of the

sign are described as adequately marketing the presence of the restaurant in the absence of a traditional street frontage. However, given the presence of other existing signs and their proposed replacements, and the proposed archway sign, I do not consider this to represent a public benefit sufficient to outweigh the less than substantial harm that the fascia sign would cause. In any event, it seems to me that it would be entirely possible for a scheme to be brought forward that would secure similar benefits, without causing the same degree of harm. I note in this context that the Council recognise that there is scope to introduce larger lettering than currently exists.

15. I therefore conclude that the proposed fascia sign would not respect the character and appearance of the area and would thus be harmful to the visual amenity of the area, having particular regard to the Grade II listed status of the host building, the setting of nearby listed buildings, and would neither preserve nor enhance the character or appearance of the CHCCA. However, I have concluded that the archway sign would not be harmful to the amenity of the area.
16. Therefore, for the reasons given above, and having regard to all other matters raised, I hereby dismiss Appeal B and those elements of Appeal A that relate to the proposed fascia sign, and allow the aspects of Appeal A that relate to the proposed archway sign.

Jon Hockley

INSPECTOR