



Appeal Decisions

Site visit made on 1 November 2016

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 04 November 2016

Appeal A: APP/M3835/H/16/3153145

22 Montague Street, Worthing, West Sussex BN11 3HA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by W H Smith plc against Worthing Borough Council.
 - The application Ref AWD/1591/15 is dated 2 November 2015.
 - The advertisement proposed is 1No externally illuminated fascia sign and 1No externally illuminated projecting sign.
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Appeal B: APP/M3835/Y/16/3153069

22 Montague Street, Worthing, West Sussex BN11 3HA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by W H Smith plc against Worthing Borough Council.
 - The application Ref AWD/0188/16 is dated 5 February 2016.
 - The works proposed are 1No externally illuminated fascia sign and 1No externally illuminated projecting sign.
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Decision Appeal A

1. I allow the appeal and grant express consent for the display of the advertisements as applied for. 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 and the following additional condition:
 - 1) The signage hereby permitted is to be as shown on drawing GEN A-G/082/2015C only.

Decision Appeal B

2. I allow the appeal and grant listed building consent for 1No externally illuminated fascia sign and 1No externally illuminated projecting sign at 22 Montague Street, Worthing, West Sussex BN11 3HA in accordance with the terms of the application Ref AWD/0188/16 dated 5 February 2016 and the plan submitted with it, namely GEN A-G/082/2015C, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
 - 2) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be
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made good within two months in accordance with a scheme previously submitted to, and approved in writing by, the Local Planning Authority.

Main Issue

3. This is the effect of the signage on the architectural and historic significance of the listed building and the character and appearance of the South Street Conservation Area.

Reasons

4. The control of advertisements is exercisable only with regard to amenity and safety, and the Council confirm no objection on the latter but the former should include the matters identified in the Main Issue above.
5. Whilst section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan does not apply to either listed building consent appeals or advertisement control appeals, the policies are material considerations. Core Strategy Policy 16 requires all development within the Borough to demonstrate good quality architectural design and use of materials that take account of local physical, historical and environmental characteristics of the area.
6. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The National Planning Policy Framework states at Para 67 that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.
8. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
9. The Council has published a conservation area appraisal which notes in relation to Montague Street and Bath Street *'It is disappointing that many of the shopfronts and much of the advertising associated with retail activity fails to respect the character and appearance of the buildings'*.
10. There was a fascia sign in place at the time of the site inspection, but only the fixings on the fascia associated with a possible projecting sign. In any event the appellant makes clear, and drawing GEN A-G/082/2015C makes clear also, that the sign in place is not the one for which the consents are sought. These Decisions and the reasoning that follows are based on the submitted drawing.

11. With regard to the signs as proposed, the use of the colour yellow of 'market' is to be removed, and the word is to be in white as the word 'card' and the lettering is to be reduced in height. The magenta strip of the hanging sign is to align with that of the fascia, the lighting canopy is to light only the lettering. The appellant states that the two shades, described on the drawing as 267C and Process Magenta, are in the same third of the colour spectrum and therefore are complementary rather than clashing as asserted by the Council.
12. With these amendments as proposed, the sign would appear restrained, within the established retail environment nearby, and the use of the lighter colour to underline the fascia and projecting sign would provide a pleasing differentiation with the fully glazed shopfront.
13. Turning to the listed building, the arrangement of the pre-existing glazing of the shopfront does appear to have some resonance with the pilasters above. The fascia spans over these projecting glazed windows, as it did with the previous signage shown on the appellant's drawing GEN A-G/082/2015C. The words 'J R Fashions' sat between the pilasters whereas the proposal now is for the wording to span across them, but still within the outer limit of the projecting cases of the shop window. This arrangement does not undermine the architectural integrity of the listed building, and again within the retail environment, there is no harm to the character and appearance of the conservation area. The proposed advertisement accords with the statutory tests in sections 16(2) and 72(1), as well as the requirement of paragraph 132, as far as the effect on designated heritage assets. As a result there is no adverse effect on amenity with regard to the advertisement control Regulations. The standards sought in Core Strategy Policy 16 are met.
14. The Council suggested the standard advertisement conditions 1-5 under Regulation 14(a) and as set out in Schedule 2 of the Regulations. In addition the standard time limit is appropriate. With regard to the listed building consent, the Council suggest the following wording '*upon completion of the work for which Listed Building Consent is hereby granted, any damage caused to the fabric of the building shall be made good to the written satisfaction of the Local Planning Authority within 2 months of the consent*'. This is imprecise as the appellant will have no idea what would be found satisfactory, better that a scheme of making good be agreed. The time of 2 months from this Decision for the making-good is also unacceptable as the consented works may not be carried out by then.
15. To conclude, the sign as shown on drawing GEN A-G/082/2015C is acceptable on amenity grounds, and does not cause harm to either the listed building or the conservation area. For the reasons given above it is concluded that both appeals should succeed.

S J Papworth

INSPECTOR