
Appeal Decision

Site visit made on 15 November 2016

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 23 November 2016

Appeal Ref: APP/X5990/Y/16/3150058

21 Gloucester Place, City of Westminster, London W1U 8HR

- 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 London Executive Offices against the decision of City of Westminster Council.
 - The application Ref 16/01639/LBC, dated 24 February 2016, was refused by notice dated 15 April 2016.
 - The works proposed are to display a Class 5 advertisement on the exterior of the building.
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Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade II and is set within the Portman Estate Conservation Area, and the main issue in this appeal is the effect of the proposal on these designated heritage assets.
 3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 on the primacy of the Development Plan does not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. 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.
 4. These duties are reflected in Policies S25 and S28 of Westminster's City Plan: Strategic Policies on heritage and design; and Policies DES 1, DES 5, DES 9 and DES10 of the Unitary Development Plan on design and conservation, listed buildings and conservation areas. Policy DES 8 of the latter Plan is specific to advertisement and signs, and sets out what would and would not be acceptable.
 5. The Council has produced Supplementary Planning Guidance '*Boardwatch: A Guide to the Design and Display of Estate Agents' Boards*' which sets out what would be acceptable within the Regulation 7 area of the West End. On listed buildings, boards will normally not be permitted. Exceptions will be allowed only where the board is to be displayed from inside the building or attached to railings around the building, at street level. Details of the fixing must be included in the application consent. Only one board will be permitted per
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- building and the board must not be illuminated. The size of the board is controlled. A further publication '*Advertisement Design Guidelines*' requires signs on listed buildings to be sited so as to minimise the effect.
6. Paragraph 132 of the National Planning Policy 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.
 7. The proposal is for a metal sign fitted to railings on the George Street frontage of a building that has its main entrance on Gloucester Place and the appellant has put forward an alternative of white lettering on a black background, of a specified size and fixing.
 8. The railings are in a traditional 'basement area' relationship with both streets, being on the edge of the footway, guarding the drop to the light-well. Near the proposed location of the sign is an entry down to the basement area. The Council refer to these railings as being original and it is the case that they contribute to the value of the group of buildings as largely unaltered and unadorned features, the more prominent in this case as they are on the corner of two streets and readily visible.
 9. At the time of the site inspection items fixed to the railings in a reasonable vicinity were restricted to a number of entry-phone or similar push-button boxes, mostly well integrated with the uprights, one fire brigade hydrant sign and a few obviously temporary fabric signs offering sale or let. It is unclear whether the latter are what the Supplementary Planning Guidance envisages.
 10. The proposed sign would appear a permanent fixture due to its material and style, and would detract from the clean lines of the railings in this location where there are no other fixtures. It is accepted that this is not a location of significant clutter, there being the George Street road sign at high level on the return of number 21 and a street sign on a pole near the kerb. However, the introduction of the proposed sign would appear incongruent, detracting from the architectural significance of the railings and building combined, and hence failing to preserve either the character or appearance of the conservation area.
 11. The proposal would therefore cause harm to the significance of designated heritage assets contrary to paragraph 132 of the Framework. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The appellant states that the sign would only be in place until the building reaches a particular occupancy or two years at the latest, and that appears to be an agreed position with the Portman Estates. Clearly the economic use of buildings is a public interest also and the appellant refers to the effect of attracting usage of the serviced offices boosting employment.
 12. However, having mind to the lack of similar nearby, and the contribution that the railings in their present unadorned and largely original state make to the appreciation of the listed building and the conservation area, the benefits put forward fail to outweigh the harm. Whilst described as 'less than substantial', the harm is real and serious, the alternative of 'substantial harm' in paragraph 133 being usually reserved for total loss of significance or nearly so.

13. The sign would cause harm that is not justified by benefits, and would therefore be not accord with the requirements of the Framework, nor the statutory tests in the 1990 Act. The aims of Development Plan policies as material considerations would not be met and neither would the aims of supplementary planning guidance. It should be made clear that neither the original nor the altered application sign would be acceptable for the reasons previously detailed, and therefore it is concluded that the appeal should fail.

S J Papworth

INSPECTOR