

Appeal Decisions

Site visit made on 15 November 2016

by Nicholas Taylor BA (Hons) MRTPI

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

Decision date: 25 November 2016

Appeal A: Ref: APP/E2001/Y/16/3152778

The Royal Hotel, 5-9 Aire Street, Goole, DN14 5QW

- 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 Mr Malcolm Hitchman (Lexcroft Ltd) against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/15/02879/PLB/WESTWW, dated 17 August 2015, was refused by notice dated 23 November 2015.
 - The works are new fascia sign to replace the old one.
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Appeal B: Ref: APP/E2001/H/16/3148502

The Royal Hotel, 5-9 Aire Street, Goole, DN14 5QW

- 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 Mr Malcolm Hitchman (Lexcroft Ltd) against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/15/02686/PAD/WESTWW, dated 17 August 2015, was refused by notice dated 23 November 2015.
 - The advertisement is new fascia sign to replace the old one.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters – both appeals

3. Both appeals concern an internally illuminated box fascia sign, which is already in place. In the interests of clarity and conciseness, I will deal with some aspects of each appeal together in my reasoning.

Main Issue – Appeal A

4. The appeal concerns a Grade II listed building within the Goole (Town) Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes particular responsibilities on the decision taker. Consequently, the main issues are whether the works preserve the listed building or any features of special architectural and historic interest it possesses (its significance), whether the setting of another nearby listed buildings is preserved and whether the character or appearance of the conservation area is preserved or enhanced.
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Main Issue – Appeal B

5. The main issue in this appeal is the effect of the advertisement on visual amenity, having regard to the building's listed status and conservation area location.

Reasons – both appeals

6. The appeal property is a terraced, three storey pub. It occupies a prominent position on the corner of Aire Street and Adam Street, on the edge of Goole town centre.
7. According to the listing description, the listed building dates from 1826 and includes a range of properties in Aire Street and Adam Street. It stands at one end of a still complete, although in some parts much altered, terrace of Georgian or early Victorian commercial buildings which were built as part of the main commercial street of the planned port settlement. The Lowther Hotel, a grand Georgian style building, listed Grade II*, stands adjacent, across Adam Street. The town's docks occupy the area immediately to the south and west.
8. In addition to its part in the development of the port, the Royal Hotel has aesthetic and historic interest arising from its architectural qualities which, drawing on the listing description and other evidence before me, include the elaborate panelling and moulding of the pub / shop fronts. It also forms a key part of the setting of the Lowther Hotel. Together with the Lowther Hotel, the remainder of the terrace, nearby buildings and the port estate, however altered or utilitarian they may be, the appeal property represents an important part of the original planned, commercial settlement. All in all, therefore, it has considerable significance as a designated heritage asset in its own right and in its positive contributions to the setting of the designated heritage asset that is the Lowther Hotel and to the significance of the conservation area as a designated heritage asset.
9. The fascia sign comprises lettering attached to a plastic, curved box attached to, and projecting from, the underside of the curved corner of the pub's fascia, directly above its main entrance. Whilst it attempts to follow the curve of the fascia, the sign obscures the top of sections of the corner doors and windows. It fails to respect the traditional style, proportions and position for such signage, which photographic evidence reveals previously consisted of flat, painted lettering on the timber fascia. Particularly when viewed close-up, the box appears as an incongruous appendage.
10. Although not overly large in the street scene, the sign's internal LED illumination makes it a garish and more prominent feature during darkness. I accept that this is a commercial and industrial part of the town but its historic importance, reflected in its conservation area designation, requires a careful approach to signage, particularly where listed buildings are also involved. I also acknowledge the various other illuminated signs nearby but I have not been informed as to whether they have been expressly given consent or whether, if appropriate, any action is being taken against them. The Council refers to the buildings being not listed and signs being erected prior to Conservation Area designation. In any case, their presence does not justify further harm being caused.

11. I note the appellant's argument that he has tried to preserve the building's special features, but the appeal sign merely adds to a clutter of signage, brackets, lights and satellite dish on the exterior of the pub. Overall, the sign fails to preserve the listed building or the setting of the nearby listed building and fails to preserve the character or appearance of the conservation area. It is harmful to visual amenity.

Conclusion – Appeal A

12. With respect to Appeal A, I conclude, therefore, that the harm caused by the fascia sign is contrary to the expectations of Sections 16(2) and 66(1) of the relevant Act. These require the decision taker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Furthermore, Section 72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
13. There is also conflict with the *National Planning Policy Framework* (the Framework) which, at paragraph 132, states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It confirms that significance can be harmed through alteration of a heritage asset or development within its setting. I consider that the harm, although serious, would be less than substantial in the terms meant by the Framework. Paragraph 134 requires that less than substantial harm should be weighed against the public benefits of the proposal. In this case, I have been given no strong evidence to indicate that the sign in its current form is essential to the continuing viable use of the building and no other public benefits have been put forward which would outweigh the harm to the designated heritage assets.
14. The fascia sign also conflicts with the development plan, which is a material consideration in this instance. The Council indicates that, since the applications were determined, the *East Riding Local Plan 2012-2029* has become the adopted development plan, replacing previous plans. The appeal sign conflicts with Policy ENV1, which seeks high quality design in new development, and with Policy ENV3, which seeks to conserve heritage assets.

Conclusion – Appeal B

15. In Appeal B, with respect to the Advertisement Regulations, the listed status of the appeal building and the Lowther Hotel and their location within the conservation area, together with the provisions of the development plan, are relevant material considerations. Having regard to all the relevant factors set out above, I conclude that the fascia sign is harmful to visual amenity.

Overall conclusion – both appeals

16. For the reasons set out above, both appeals should be dismissed.

Nicholas Taylor

INSPECTOR