The Planning Inspectorate

Appeal Decisions

Site visit made on 21 November 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 30 November 2016

Appeal A: Ref: APP/A0665/Y/16/3144146
The Red Lion, Church Street, Tarvin, Chester CH3 8EB

- 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 Simon Brett against the decision of Cheshire West & Chester Council.
- The application Ref 15/01605/LBC, dated 16 April 2015, was refused by notice dated 18 August 2015.
- The works proposed are the removal of old damaged signage and replacement signage erected.

Appeal B: Ref: APP/A0665/H/16/3144140
The Red Lion, Church Street, Tarvin, Chester CH3 8EB

- 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 Simon Brett against the decision of Cheshire West & Chester Council.
- The application Ref 15/01650/ADV, dated 20 April 2015, was refused by notice dated 18 August 2015.
- The advertisement proposed is described as 'removal of damaged and dangerous fabricated signs and replacement with letters screwed to wall'.

Decisions

1. The appeals are dismissed.

Procedural Matters

2. At the time of my visit the signage that forms the basis for both appeals had been erected, and the appeals are thus retrospective.

Main Issue

3. The main issue in these cases is the effect of the signage on the visual amenity of the area having particular regard to the Grade ll listed status of the host building, and whether the signs preserve or enhance the character or appearance of the Conservation Area.

Reasons

4. The Red Lion is located on Church Street, on the corner with High Street, in the heart of Tarvin. The immediate area contains a range of commercial and residential properties, including the public house of the George and Dragon. Although reasonably wide, the centre of the village has a busy feel, with the

roads effectively narrowed by lots of on-street parking. The majority of the properties around the centre are built in red brick, often with rendered side elevations and prominent quoins. In contrast, the two pubs have rendered front elevations, with the façade of the Red Lion fully rendered around its corner. The pub lies in the centre of the Tarvin Conservation Area (TCA).

5. The listing for the Red Lion states that the property dates from the mid-18th century, with 19th century alterations. The render is painted a light yellow/cream colour, with the ground floor windows, two with stencilled panes of glass, and the upper floor 12 and 6 pane sashes having darker yellow architraves (described as 'mid umber' by the Council). The whole building is then set off with black painted plastered plinth and single pilasters on the corner and edges of the building. A central red door is sited on the main Church Street façade.

6. Above this door, and above a window on the High Street frontage is located a sign fascia, painted in the same colour as the windows and door frame. This contains the signage for the pub, which consists of individually mounted plastic lettering and lion images at both ends. The lettering is the same colour as the door and is set proud of the fascia by some 2.5cm according to the application forms. The lettering and symbols are not illuminated.

7. The combination of the plastic material of the signs, their siting located proud of the fascia, and their bright red colouring all combine to clash with the frontage of the building. Whilst I note the colour matches the door colour and the name of the pub, the colour when combined with the plastic material appears inappropriate for a listed building and detracts from the character of both the listed buildings and the character and appearance of the TCA.

8. I note that the old signage had come to the end of its life and had to be replaced. I also note the evidence relating to the amount of money the appellant have spent on the building, and the positive feedback they have received, including on a local website. Whilst I have sympathy with these matters, this does not outweigh my views on the adverse effect of the signage upon the visual amenity of the area, including upon the listed building and the character and appearance of the TCA.

9. The appellant states that an officer from the Council did not tell them at a previous site visit that permission would be required for new signage. Complaints about the handling of the case by the Council should be directed to their own complaints system in the first instance.

10. My attention is drawn to the signage of the local Co-Op store, and a nearby bus stop. However, the Co-Op sign on the High Street is a simple hanging sign, and the building itself is not listed, and the bus stop did not appear obtrusive in the street scene. I do not consider therefore that these examples create precedents for the signage in this case, which also contrasts unfavourably with the more traditional signage on the opposite George and Dragon.

Conclusions

11. In their decision notices the Council have referred to a policy from the Chester District Local Plan[1] (ENV45) and from the Cheshire West and Chester Local

[1] Adopted 12 May 2006

Plan[2] (ENV5). These policies together state that development should safeguard or enhance designated heritage assets, and will be required to respect and respond positively to heritage assets and their settings. Permission will be refused for proposals which fail to have regard to the desirability of preserving listed buildings or their settings.

12. For Appeal B 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 interests 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. For the reasons given above the signage would not comply with such policies.

13. For Appeal A, the proposal would be contrary to Policies ENV45 and ENV5. In relation to paragraphs 132-134 of the National Planning Policy Framework, I consider that the signs cause less than substantial harm to the significance of the host listed building and the TCA. Public benefits of the sign could be termed as adequately marketing the presence of the pub. However, whilst noting the statements of the appellants regarding financial outlay, I consider that a more appropriate signage, such as a painted signboard as suggested by the Council, would have the potential to be more appropriate to the setting and would perform the same advertising function as the signs currently in place. I do not consider therefore that sufficient public benefits exist to outweigh the less than substantial harm that the signs cause.

14. I therefore conclude that the signage does not respect the character and appearance of the area and is thus harmful to the visual amenity of the area, having particular regard to the Grade ll listed status of the host building, and neither preserves nor enhances the character or appearance of the TCA.

15. Therefore, for the reasons given above, and having regard to all other matters raised, I hereby dismiss the appeals.

Jon Hockley

INSPECTOR

[2] Adopted 29 January 2015