
Appeal Decision

Site visit made on 21 December 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/G2625/Z/16/3160256
17-27 Orford Place, Norwich NR1 3QA

- 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 Five Guys JV Ltd against the decision of Norwich City Council.
 - The application Ref 16/00859/A, dated 3 June 2016, was refused by notice dated 11 August 2016.
 - The advertisement proposed is one set of individual, internally illuminated 'FIVE GUYS' letters at first floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was for two fascia signs, two projecting signs and internally illuminated lettering at first floor level. The Council approved the fascia and projecting signs but refused consent for the lettering. Accordingly I shall only consider that part of the proposal.
3. I noted on my visit that the advertisement is in place and I shall therefore treat the proposal as being retrospective.

Main Issue

4. The main issue in the appeal is the effect of the advertisement on the character and appearance of the area.

Reasons

5. The appeal property is a three storey building of brickwork with stone detailing which dates from the early 20th century. It has a broad curved frontage with projecting bays at either end and occupies a prominent position at the corner of Orford Place and Red Lion Street. The building is in the Norwich City Centre Conservation Area. It has a central glazed opening of three bays at first floor level. The lettering is displayed within the central bay and behind the glazing. The building has an imposing presence because of its scale and position and its detailed design makes a positive contribution to the character and appearance of the Conservation Area.
 6. The area forms part of the shopping area of the city centre and is clearly commercial in character. The ground floor of the appeal building is used as a restaurant and there are fascia and projecting signs together with canopies at
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fascia level above the ground floor frontage. The restaurant includes a seating area at first floor level behind the glazed opening.

7. The building is prominent in views along Red Lion Street towards the grade I listed Norwich Castle. It is also particularly prominent in views from Orford Hill, an open space on the opposite side of Red Lion Street. I saw on my visit that there are three mature trees within that space which screen views to some extent but that the sign is still visible below the tree canopies. There are a number of grade II listed buildings around Orford Hill and a grade II* building on the corner of Orford Hill and Timberhill. The building is seen in conjunction with other listed buildings along Red Lion Street, including the Bell Hotel and 22-24 White Lion Street. The building is also in close proximity to a number of locally-listed buildings including those adjoining the appeal building and others on the opposite side of Red Lion Street. It is clear from the wealth of heritage assets that this part of the Conservation Area is of particular historic significance.
8. The sign is prominent as it is at first floor level. The lettering has a total height of almost 1.7m and is over 3m wide. Its size and prominent position combined with its internal illumination has a dominant effect which detracts from the settings of the nearby listed and locally-listed buildings given that it is viewed in association with, and from a number of those heritage assets. Given the particular historic character of the area and the positive contribution made by the appeal building, the sign does not preserve or enhance the character or appearance of the Conservation Area.
9. Because the area is commercial in nature and includes shop front signage the harm to the significance of the heritage assets is less than substantial. In accordance with the National Planning Policy Framework (the Framework) it is necessary to weigh that harm against public benefits. The sign is stated by the appellants to be of benefit to their restaurant business. It draws attention to the first floor seating area but this would nonetheless still be visible without the sign in place. The building has a wide frontage with a number of signs at ground floor level and is prominent in the street scene. For these reasons the sign is not necessary to identify the facility and I find that it is of limited public benefit in this regard.
10. The Framework requires that great weight is given to the conservation of heritage assets.¹ I give limited weight to the public benefit of the sign which is not sufficient to outweigh the great weight that I give to the harms to heritage assets that I have identified.
11. The appellants have drawn my attention to other high level signs in the area which I saw on my visit. The hairdresser on the corner of Orford Hill opposite the appeal building has a first floor display which appears to form part of the historic fabric of the building. There were photographic images displayed but these are unlikely to be as prominent as the proposed internally illuminated lettering. The corner signs at Debenhams are seen in the context of a much larger scale building than the appeal building. The 'Starbucks' sign is within a modern building and is much smaller and less prominent than the appeal sign. The 'Suntrap' signs appeared to me to be less intrusive than the appeal sign in terms of their overall design. For these reasons the other signs differ from the appeal sign in various respects.

¹ NPPF paragraph 132

12. The appellants have provided a photograph of the appeal building when it was previously occupied by Pizza Hut and had a banner and two projecting signs at first floor level. There is no indication in the information before me that those signs had consent, but in any case each proposal must be considered on its individual merits. For the reasons given I find nothing to alter my conclusions on the basis of other signs in the area or signs that were previously attached to the appeal building.
13. The Council's decision refers to policy DM9 of the Norwich Development Management Policies Local Plan (2014) which requires account to be taken of the contribution heritage assets make to the character of an area and its sense of place. The proposal would not accord with that policy which I take into account as a material consideration. This is not however determinative as the Regulations require only that decisions are made in the interests of amenity and public safety. I conclude for the reasons given that the advertisement unacceptably harms the character and appearance of the area.

Conclusion

14. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR