
Appeal Decisions

Site visit made on 7 February 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 24 February 2017

Appeal A - Ref: APP/K5030/W/16/3161120 191-192 Fleet Street, London EC4A 2NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Itsu Limited against the decision of the City of London Council.
 - The application Ref 15/01319/FULL, dated 15 December 2015, was refused by notice dated 26 July 2016.
 - The development proposed is described as retrospective planning application for the installation of a shopfront.
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Appeal B - Ref: APP/K5030/H/16/3161123 191-192 Fleet Street, London EC4A 2NJ

- 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 Itsu Limited against the City of London Council.
 - The application Ref 15/01320/ADVT is dated 15 December 2015. The development proposed is described as retrospective application for display of advertisements comprising three non-illuminated signs fixed to the glazing. Advertisement application to display two projecting signs.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and express consent is granted for the display of three non-illuminated signs fixed to the glazing and two projecting signs 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.

Main Issues

Appeal A

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Fleet Street Conservation Area and the setting of the Grade II listed buildings at 10, 13-14, 18-19 and 193 Fleet Street and 125-126 Chancery Lane.

Appeal B

4. The main issue in this appeal is the effect of the signage on the visual amenity of the area having regard to its location within the Fleet Street Conservation Area and the presence of nearby Grade II listed buildings.

Reasons

Appeal A

5. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area and a listed building, great weight should be given to the asset's conservation.

Conservation Area

6. The appeal site is located within the Fleet Street Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies CS12, DM12.1 and DM12.2 of the City of London Local Plan ('Local Plan') and policy 7.8 of the London Plan are consistent with this test.
7. In terms of assessing the significance of the Conservation Area and the contribution that the appeal property makes to it, I have had due regard to the Fleet Street Conservation Area Character Summary and Management Strategy ('CSMS') which is a supplementary planning document. I have also taken into account the comments of the main parties and my observations during the site visit.
8. The Conservation Area covers Fleet Street and its environs and contains buildings that display an exceptional richness and variety in architectural styles and age. The significance of the Conservation Area is therefore architectural and historical.
9. The appeal building is located on the corner of Fleet Street and Chancery Lane. In keeping with its neighbour, No 188-190, it is a tall six storey property on a large plot dating from the late twentieth century. Canted bay windows and implied string courses provide relief and interest to the upper storeys of this pink granite clad building. The CSMS identifies the property as a tall building of an appropriate scale and with well executed detailing. I agree with this assessment and consider that it makes a positive contribution to the character and appearance of the Conservation Area.
10. The development for which permission is sought has already been carried out. Prior to the installation of the new shop front, the columns to the sides of the windows at ground floor level, together with the stall risers and fascia, were clad in the same pink granite as the rest of the building. Furthermore, the channelled rustication to the columns at ground floor level referenced the classical tradition that is seen on a number of nearby listed buildings. As a result, as the architect intended, the original shopfront formed an integral part of the design of the building and read with the rest of the building as a coherent whole, making a positive contribution to it.
11. Planning permission was granted for new shop front that removed a wide column from each elevation of the unit, thereby increasing the size of windows to the shop whilst retaining the rusticated pink granite to the whole of the

facade. At 130 Fleet Street is an example of an Itsu shop front where the stone finish of a building, rather than being replaced, has been retained at ground floor level maintaining the continuity and cohesiveness of the building.

12. The installed shop front, which is the subject of this appeal, has replaced all the rusticated pink granite cladding with dark tiled stall risers close to ground level and smooth white painted columns clad in glass. The installed windows, extending up to ceiling level, are also larger than the original windows and those for which permission was granted and has resulted in the loss of the fascia to the shop.
13. The materials used in the new shopfront contrast starkly with the polished granite cladding which defines the building, thus undermining the quality of the building and its contribution to the Conservation Area. The loss of rustication also erodes the buildings relationship with a number of nearby classically designed high quality buildings. As such, the development is contrary to policy DM10.5 of the Local Plan which seeks to resist inappropriate alterations to a shopfront that complements a building and its context.
14. Reference has been made to No 188 -190 next to the appeal property. It is the former Coutts & Co bank building that also dates from the latter part of the twentieth century. As part of a coherent overall design it has closely spaced polished black stone columns and portholes at ground floor level and lighter stone clad upper storeys. The design of the shopfront, to an extent, is sympathetic to this property. However, this does not overcome the significant adverse effect that it has on its relationship to the building of which it forms a part, and the fact that ground floors that form a coherent whole with the upper floors are a characteristic of the many well designed buildings in the area.
15. I therefore find that the shopfront is out of keeping with the building and adversely affects its character and appearance and, as a result, the character, appearance and significance of the Conservation Area.

Listed buildings

16. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Policies CS12 and DM12.1 of the Local Plan and policy 7.8 of the London Plan are consistent with this test. Policy DM12.3 of the Local Plan has also been referred to. However, as it seeks to control the demolition, alteration and change of use of listed buildings, rather than control development that might affect their setting, it is not relevant to this appeal.
17. 125-126 Chancery Lane and 193 Fleet Street on the corner face the western side of the appeal property. Nos 10, 13-14 and 18-19 Fleet Street face the appeal site from the opposite side of the Street. All are Grade II listed buildings with detailed architectural features of high quality. Their significance is therefore architectural and historical.
18. The setting of these buildings includes the area in which they are viewed and experienced. In relation to 125-126 Chancery Lane and 13-14, 18-19 and 193 Fleet Street this includes the appeal site. Owing to the comparatively narrow width of Chancery Lane and the tall height of buildings along it, some of the best public views of the listed buildings on the Lane from where they can be fully appreciated are from the southern side of Fleet Street. These views include the appeal property. Similarly, in views on the approach from the

north along Chancery Lane the buildings on the corners with Fleet Street, which include the appeal property, frame views of the listed buildings mentioned on the southern side of the Street. The unsympathetic shop front, detracting from the host building has an adverse effect on the setting of these buildings.

Planning balance

19. The harm that has been caused by the shopfront to the significance of the Conservation Area as a whole and to the setting of the nearby listed buildings is less than substantial. In such circumstances, paragraph 134 of the Framework advises that the harm caused should be weighed against the public benefits of the proposal.
20. In accordance with the statutory duty described, I attach considerable importance and weight to the harm caused to the Fleet Street Conservation Area and the setting of nearby listed buildings. On the other side of the balance, the distinctiveness of the shopfront and the associated internal improvements, which is in keeping with the Itsu brand that sells healthy food, it is stated has helped increase commercial activity at the site. Given the support in the Framework for economic growth and the London Plan's supplementary planning guidance 'Town Centres', which supports change to sustain vitality and viability, this is an economic benefit of some weight in favour of the development. The shopfront increases passive surveillance of Fleet Street. However, as a busy area of central London with heavy footfall this is a public benefit to which I attach limited weight.
21. Taking all these matters into account, my overall conclusion is that the public benefits of the shopfront do not outweigh the harm caused to the Fleet Street Conservation Area and the setting of nearby listed buildings. The development is therefore contrary to the Framework, as well as failing the statutory test. As such it conflicts with policies CS12, DM12.1 and DM12.2 of the Local Plan and policy 7.8 of the London Plan. It is also contrary to policies CS10, DM10.1 and DM10.5 of the Local Plan which seek a high standard of design. The appeal should therefore be dismissed.

Appeal B

22. The appeal site is located within the Fleet Street Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
23. As I have noted in relation to Appeal A, the Conservation Area covers an area of well designed older and historical buildings that reflect the era in which construction took place. The significance of the Conservation Area is therefore architectural and historical.
24. In accordance with the submitted plans two non-illuminated signs consisting of the Itsu name and strap line have been installed in a central position on the windows on either side of the entrance on Fleet Street. An identical third sign has been installed in similar position on one of the two windows on the Chancery Lane elevation. Given their limited size they do not dominate the shop front or adversely affect the visual amenity of the area.
25. On the side of each elevation a non-illuminated external projecting sign has been installed at ceiling level. Measuring 610mm by 610mm and with a depth of 120mm these small signs are set close to the façade of the unit. Although the background to the signs is a bold yellow, owing to their small size and

- limited projection they are not unduly prominent and do not detract from the visual amenity of the area.
26. For the reasons given above, I therefore find that as the signage does not caused harm it has achieved the goal of preservation and passes the statutory test in relation to the Conservation Area.
27. The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. This test only applies to the consideration of whether to grant planning permission. As a result, it does not apply to a determination under the Regulations as to whether to grant express consent for an advert. Nevertheless, the effect of signage on the setting of a listed building is still a consideration when assessing the effect of adverts on the visual amenity of an area. For the reasons that I have given as to why the signs are in keeping with the character and appearance of the Conservation Area, they also do not adversely affect the setting of the nearby Grade II listed buildings on Fleet Street or Chancery Lane.
28. I have taken into account policies CS10,CS12, DM10.1, DM10.5, DM12.1 and DM 12.2 of the Local Plan and policy 7.8 of the London Plan which seeks to protect visual amenity and so are material in this case. Given that I have concluded that the signs do not harm visual amenity, they do not conflict with these policies.
29. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be allowed.

Ian Radcliffe

Inspector