
Appeal Decision

Site visit made on 15 February 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 6th March 2017

Appeal Ref: APP/D2510/Y/16/3162497

12 Market Place, Louth, Lincolnshire LN11 9PB

- 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 Crofts Estate Agents against the decision of East Lindsey District Council.
 - The application Ref N/105/00894/16, dated 21 April 2016, was refused by notice dated 16 September 2016.
 - The works proposed are alterations to existing building to provide LED and touchscreen televisions displayed in the window and text and logos applied to the northern and eastern shop fronts and canopy.
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Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade II and sits within the Louth Conservation Area. The main issue in this appeal is the effect of the proposal on the architectural and historic significance on the building and its setting within the conservation area.
 3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which 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. 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. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
 5. The various requirements in statute and central Government guidance are reflected in Policies C1 and C2 of the East Lindsey Local Plan Alteration 1999, notwithstanding its age. These are material considerations as section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise,
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does not apply to applications and appeals under the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The building is an attractive feature of the street-scene, in a prominent position and displaying considerable historical and architectural significance. That significance extends to the shopfront referred to in the listing description. Whilst at the time of the site inspection there were market stalls in front of part of the site, and the location of the touch-screen in particular, sufficient remained in view to be able to form an opinion as to the effect.
7. The vertically-set LCD panels containing property details appear to be in place also at other premises in Cornmarket, although the Council do refer to there being installations that do not have consent. These are limited in their intensity of illumination, and appear very similar to white paper or card insertions visible elsewhere in the area. They are suspended inside the window and some distance behind it and are not fixed to the building as such, only by their wires which would be the same for any non-illuminated paper or card. No harm is caused by these items, although it is unclear the extent to which they are rightly the subject of the listed building consent regime or advertisement control.
8. The touch-screen is closely associated with the glazing, albeit only a thin film is actually attached. The appellant accepts that consent is required as otherwise a regime now exists to allow for the equivalent of a lawful development certificate to test this proposition. Due to its forward position and its format of moving or changing images, the screen is bright and at odds with the restrained appearance of the building and shopfront, being a distraction within the conservation area. The horizontal format is harmful to the proportions of the building, but the harmful aspects of the proposal would still be in place if the screen was turned through 90° or reduced in intensity.
9. 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 premises are in use and the reference to optimum viable use should be taken to mean a use commensurate with its listed status.
10. From the information provided, the screen has been used a considerable number of times, and no doubt the estate agency business is highly competitive, needing to gain attention by various means. There can be no doubt that the screen assists this business and it is no part of this Decision to suggest otherwise. It is acknowledged that the ability of a business to look after a listed building through successful trading is a matter of significant weight.
11. However, the need to look after a listed building has to include its presentation as a building of interest as seen by the public within its setting of the conservation area. The location of the business in this building and in this prominent location within the conservation area indicates that this method of attracting trade is not appropriate, and the public benefits of the works do not outweigh the harm. Conditions have been referred to regarding illumination level and hours of operation, but the harm would persist when it is lit.

12. In conclusion, the installation of the touch-screen causes harm to designated heritage assets for which there is not sufficient justification, such that the proposal does not accord with Policies C1 and C2 of the Local Plan, the statutory tests in the 1990 Act and the requirements of the Framework. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR