

Appeal Decision

Site visit made on 3 May 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/Y3940/Y/16/3162887

1-3 Castle Street, Salisbury SP1 1TT

- 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 Angelo Mareri of Azzuri Group against the decision of Wiltshire Council.
 - The application Ref 16/05911/LBC, dated 14 June 2016, was refused by notice dated 28 September 2016.
 - The works proposed were originally described as "Installation of signage comprising of:- 1 set of internally illuminated text behind glazing, 2 sets of non illuminated text over entrance – to replace existing, 1 externally illuminated projection sign – to replace existing, 2 internally illuminated menus – to replace existing, 1 non illuminated awning – to replace existing, [and] painting of the shop front in RAL 5008."
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Decision

1. The appeal is dismissed insofar as it relates to the painting of the front of the building. The appeal is allowed insofar as it relates to the installation of 2 sets of non-illuminated text signs, 1 no. externally illuminated projecting sign, 2 no. of internally illuminated menus, internal window blind with logo, and vinyls applied to the inside of ground floor glazing.
 2. Listed building consent is granted for 2 no. non-illuminated text signs, 1 no. externally illuminated projecting sign, 2 no. internally illuminated menus, internal window blind with logo, and vinyls applied to the inside of the ground floor glazing at 1-3 Castle Street, Salisbury SP1 1TT, in accordance with the terms of the application Ref 16/05911/LBC, dated 14 June 2016, so far as relevant to that part of the works hereby permitted and the plans submitted with it, and subject to the following conditions:
 1. The advertisements hereby permitted shall be carried out in accordance with the following approved plans: Plan No: ZSNL070716; Site plan 550966-5 Rev A; Existing signage dwg no 550966-1; Existing signage dwg no 550966-2; Proposed signage dwg no 550966-4 Rev A; and Proposed signage dwg no 550966-3 Rev C.
 2. The illumination of the advertisements shall be implemented in a way which ensures that no source of light is directly visible from the public highway.
 3. The intensity of the illumination of the advertisements hereby approved shall not exceed that recommended by the Institution of Lighting Engineers in their Technical Report No.5 (Third Edition 2001).
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Procedural Matters

3. 1-3 Castle Street is a grade II* listed building that is part of a listed terrace within the Salisbury Conservation Area. As required by Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
4. The original application form proposed amongst other things, the painting of the shop front. However, from the evidence provided by the Council and what I saw at my site visit, No 1-3 does not have a shop front, and apart from some exposed brickwork on the parapet wall, it is most of the front façade of building that has been painted dark blue. Moreover, it was also apparent that the proposed signage had been implemented. For the avoidance of doubt, I have confined myself to the consideration of the appeal proposal before me, rather than what has occurred on site.
5. During the Council's consideration of the application, a revised scheme was submitted that changed the original proposal, including amongst other things, the removal of the proposed awning. Notwithstanding the description of the development set out above, which is taken from the original application form, it is clear from the plans and accompanying details that the development comprises 2 no. non-illuminated text signs, 1 no. externally illuminated projecting sign, 2 no. internally illuminated menus, internal window blind with logo, vinyls applied to the inside of the ground floor glazing, and the painting of the front elevation of the building. The Council dealt with the proposal on this basis and so shall I.
6. The Council's decision to refuse listed building consent related only to the painting of the building, although advertisement consent has subsequently been granted for the proposed signage. A split decision for listed building consent was not issued by the Council, and consequently the whole application was refused. I have therefore considered the proposed signs and the painting in my determination of the appeal.

Main Issue

7. The main issue is whether the proposed signage and painting of the front of the building would preserve a listed building and any features of special architectural or historic interest it possesses, its setting and that of nearby listed buildings, and linked to that whether the works would preserve or enhance the character or appearance of the Salisbury Conservation Area.

Reasons

8. The appeal property is a three storey building with attic that forms part of a row of historic buildings close to Salisbury Market Place. Constructed in the early eighteenth century the elaborate richness of the ornamentation of the building makes it a striking feature within the street scene. The building has an elegant and imposing appearance, with its tall stucco pilasters with triglyph freizes, its classical doorway with Ionic columns, cornice and pediment, and the raised surrounds and keystones for the windows. These features, the symmetry of the façade and the focal impact of the doorway, emphasises the

high status of this building, and this and its prominent position close to the Market Place is part of its significance. No 1-3 makes a positive contribution to the character and appearance of the conservation area.

9. No 1-3 is used as a restaurant and having regard to the evidence before me, the proposed signage would be sensitive to the form and appearance of the building. The company logo would be centrally positioned upon the building below the first floor, whilst the logo above the entrance sits politely within the classical ornamentation of the doorway. The provision of a window blind and vinyls to the ground floor windows would be discreet and understated, and although the projecting sign and the menu boards would be illuminated, the simplicity of their form would not detract from the elegance of the building. As such the signage would not harm the special interest of the listed building, the settings of those nearby, and would preserve the character and appearance of the conservation area.
10. However, painting most of the front of the building in a dark shade of blue would be at odds with the striking and elegant appearance of this listed building. The extent and colour of the paint would obscure the impact of the architectural ornamentation. Moreover, the darkness of the colour would be such that the building would appear recessive in the street scene, contrary to its high status appearance. This would harm the prominence of the building and unacceptably erode its importance within the listed terrace and its contribution to the conservation area.
11. The appellant has drawn my attention to other painted buildings and that the appeal property was at one time pink. Of those nearby that have been painted, in most cases they are much paler in colour and in addition there were many brick and stone fronted buildings. As such the palette of materials and colours within the area has a cohesive harmony that the dark blue would unacceptably interrupt. From the evidence before me previous colour schemes for No 1-3 used a separate colour for the architectural detailing, and as such emphasised the ornamentation of the building rather than obscured it.
12. The colour chosen by the appellant has been used by the company on other listed buildings. Be that as it may, in this instance the use of such a dark colour over most of the front of the building would give an unacceptably uniform appearance to this listed building that would adversely affect its special interest, and its contribution to the setting of nearby listed buildings and also to the conservation area. The appellant has pointed out that unsuitable coverings may be more damaging to remove, but whether this would be such a case has not been demonstrated.
13. The appellant has sought to negotiate with the Council to amend the scheme by painting the columns and window frames in white. However, this would be a matter for the parties to pursue as the appeal process should not be used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. In this instance there would be several differences between the appeal scheme and that considered by the Council, and as others have not had an opportunity to comment, I am therefore unable to accept it as an amendment to the proposal.
14. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and

the more important the asset the greater the weight should be. Furthermore, there is a clear statutory requirement to pay special regard to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. This is an important duty to which I must give considerable weight. In this instance painting the building dark blue would not preserve the special interest of a listed building, nor the settings of those nearby, nor the character and appearance of the conservation area.

15. The Framework advises that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the scheme. The proposal would result in less than substantial harm due to the extent of the works compared to that of the building and the conservation area. However, the appellant has not referred to any public benefit arising from the scheme, and it follows that I am unable to undertake this assessment.
16. My attention has been drawn to policies within the Council's development plan. Although these are not determinative in listed building cases, the painting of the listed building would be contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy (2015). These policies seek amongst other things, a high quality of design that responds positively to the existing townscape and the protection and conservation of the historic environment, reflecting objectives of the Framework.

Other Matters

17. Finally, the appellant's concerns regarding the Council's handling of the application are procedural matters. Such concerns fall to be pursued by other means separate from the planning appeal process and are not for me to consider.

Conditions

18. The condition suggested by the Council refers to the painting of the building, but as I am dismissing this aspect of the scheme it has not been imposed. The proposed signage has been installed on the building and also given advertisement approval by the Council. Thus the conditions I have imposed list the decision drawings, and specify illumination levels, so as to protect the special interest and settings of the listed buildings and the character and appearance of the conservation area.

Conclusion

19. The scheme involves a number of different elements that are physically and functionally independent. In this respect I find the proposed signage to be acceptable and clearly severable from the painting of the front elevation of the building. Therefore I propose to issue a split decision in this case and grant listed building consent for the signage, but dismiss the appeal insofar as it relates to the painting of the front elevation of the building.
20. Thus, for the reasons given above, and having considered all other matters raised, the appeal is part allowed and part dismissed.

J J Evans

INSPECTOR