
Appeal Decisions

Site visit made on 10 July 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 17 July 2017

Appeal A: APP/G3110/Y/17/3170297

12 High Street, Oxford OX1 4DB

- 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 Pizza Hut against the decision of Oxford City Council.
 - The application Ref 16/03076/LBC, dated 21 November 2016, was refused by notice dated 3 February 2017.
 - The works proposed are the installation of new external signage.
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Appeal B: APP/G3110/H/17/3170287

12 High Street, Oxford OX1 4DB

- 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 Pizza Hut against the decision of Oxford City Council.
 - The application Ref 16/03037/ADV, dated 21 November 2016, was refused by notice dated 3 February 2017.
 - The advertisement proposed are 1 no internally illuminated fascia sign front elevation, 1 no non illuminated side elevation signage and 1 no internally illuminated projecting sign.
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Decisions

1. The appeals are dismissed.

Main Issue

2. The main issue in these cases is the effect of the proposed signage on the visual amenity of the area, having particular regard to the Grade II listed status of the host building, the setting of nearby listed buildings, and whether the signs would preserve or enhance the character or appearance of the Oxford Central Conservation Area (OCCA).

Reasons

3. High Street is a busy thoroughfare leading into the heart of the city. At its western end the street is lined with restaurants, cafés and shops at ground floor level, with a range of building types, styles and materials. The Grade II listed No 12 High Street is located on the north side of the road and is a three storey building with a parapet roof with former gable behind. The building has a ground floor modern shopfront with 3 deep set architraved windows on each floor above. The property has prominent painted quoins to both sides, which when coupled with the height of the building and the size and positioning of the windows give the building a vertical emphasis.

4. On the west side of the building lies a four storied property with noticeable projecting second floor windows (and first floor on the right hand side) and painted solid quoins. To the east lies Nos 13-16 High Street, a three storied ashlar fronted building with a central cornice and large pedimented feature. All these buildings are Grade II listed, although there are variances within the listing descriptions concerning numbering. All the listed buildings on the north side of the High Street form a group, and all contribute significantly to the character and appearance of the OCCA.
5. Access to the City's covered market can be made at various points within the building frontages, with one such access adjacent to No 12 under the left side of No 13. The ground floor shopfront of No 12 is angled behind a large column on the edge of this alley, with a smaller shopfront facing the access. When viewing the building, this presents a slight visual anomaly with the ground floor of the property seeming wider than the upper floors, an effect accentuated by the current full length fascia sign which has the lettering set in the middle of the overall sign, thereby not in the middle of the upper two stories. An externally illuminated projecting sign is set at the lower end of the first floor level on the left hand side.
6. Despite the modern shop front of the premises, the existing fascia sign appears inappropriate to its location, with the slight projection, its material and full width across the extended frontage detracting from the vertical emphasis of the listed building and contrasting adversely with the more subtle signage to the building to the west (currently vacant) and the opticians on the other side of the alleyway. The proposed fascia sign to the façade, in largely replicating the sign but with differing branding would have a similar adverse effect, detracting from the character of the listed building and the setting of the adjacent ones. The proposed illumination of the sign, using internal illumination to light the individual letters would draw attention to this adverse effect.
7. I have noted that the proposed fascia sign is not dissimilar to that already existing. However, the Council are of the view that the current signage does not appear to benefit from listed building consent. My attention is also drawn to paragraph 12.8.2 of the Local Plan¹, which states that the Council consider that illuminated fascia signs can add to the vitality of the City centre, and that individually illuminated letters are preferred. The next paragraph goes on to state that the highest standards of shop sign are required in the sensitive locations outside the primary shopping area, such as parts of the High Street, with discretion in illuminated advertisements encouraged to protect the special character and appearance of these streets and their historic buildings.
8. This section refers to areas of the High Street further to the east. I also note the appellant's comments regarding the necessity for illumination. However, given the listed status of the host property and its positioning as part of a group of listed buildings all contributing to the character and appearance of the OCCA, I am not convinced that the proposal, with internally lit individual letters would suit the immediate visual setting of the High Street, dominated by historic buildings. The Conservation Area Overview states that the High Street belongs to "the town rather than the gown"; however, I consider that this refers to the age of the street.

¹ Oxford Local Plan 2001-2016, November 2005.

9. The proposed projecting sign, in removing the existing one set at a higher level would have benefits, by bringing the sign down to the level of the fascia. However, the overly modern box design and internal illumination of the sign would again appear inappropriate when set against the listed building and in comparison to signage on adjacent buildings. For Appeal A, the proposed fascia sign on the market alley return would introduce a new sign onto the building. The size of this proposed sign would appear out of place within such a setting, detracting from the alleyway between the two listed buildings. All the proposed signs would neither preserve nor enhance the character and appearance of the OCCA.

Conclusions

10. In their decision notices the Council have referred to a number of policies from the Local Plan. Policies CP1, HE3 and RC14 together state that development must preserve or enhance the special character and setting of listed buildings and conservation areas, and that advert consent will be granted for proposals which suit their visual setting and preserve or enhance the visual amenity of the building. Policy CS18 of the Core Strategy² states that proposals should respect and draw inspiration from Oxford's unique historic environment, responding positively to the character and distinctiveness of the locality.
11. Appeal A would be contrary to these policies. In relation to paragraphs 132-134 of the National Planning Policy Framework, I consider that the proposal would cause less than substantial harm to the significance of the host listed building and the OCCA. Public benefits of the sign could be described as marketing the presence of the restaurant. However, it seems to me that it would be entirely possible for a scheme to be brought forward that would secure similar benefits, without causing the same degree of harm, and I do not consider therefore that this represents a public benefit sufficient to outweigh the less than substantial harm that the signs would cause.
12. For Appeal B whilst the development 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 interest 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. The proposed signs would not comply with such policies.
13. I therefore conclude that the proposed signage would not respect the character and appearance of the area and would thus be harmful to the visual amenity of the area, having particular regard to the Grade II listed status of the host building, the setting of nearby listed buildings, and would neither preserve nor enhance the character or appearance of the OCCA.
14. Therefore, for the reasons given above, and having regard to all other matters raised, I hereby dismiss both appeals.

Jon Hockley

INSPECTOR

² Oxford Core Strategy 2026, March 2011.