
Appeal Decision

Site visit made on 17 July 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 3 August 2017

Appeal Ref: APP/H1840/Y/17/3170300

Unit 1 Russell Square, 20 High Street, Broadway WR12 7AP

- 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 Steven Beale of Trinity House Paintings against the decision of Wychavon District Council.
 - The application Ref W/16/02746/LB, dated 18 November 2016, was refused by notice dated 27 January 2017.
 - The works proposed are advertising sign, lighting & CCTV camera domes.
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Decision

1. The appeal is allowed and listed building consent is granted to retain the advertising signs, lighting & CCTV camera domes at Unit 1 Russell Square, 20 High Street, Broadway WR12 7AP in accordance with the terms of the application Ref W/16/02746/LB dated 18 November 2016 and the plans submitted with it.

Preliminary Matters and Background

2. I saw on my visit that the works are all already in position. Section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) provides for retrospective listed building consent but the Act indicates this is only effective from the date of consent. As such I have altered the description of development to replace the term 'retrospective' with 'retain' in the formal decision.
3. Notwithstanding the description of works set out in the banner heading, which is taken from the application form, it is clear from the plans and accompanying details before me that the works comprises more than one advertising sign and as such I have altered the description in the formal decision.
4. My attention has been drawn to the history of signage at the appeal building and related planning decisions. I have noted these, and of particular relevance is the latest listed building consent¹ granted on the 24 April 2017 which permits the retention of the existing hanging signs, the CCTV cameras and the 2 small door signs with downlights now before me. This constitutes the fallback position and as the works are already in place I give it significant weight.

Main Issues

5. The appeal concerns a Grade II listed building within the Broadway Conservation Area (BCA). The Act imposes particular responsibilities on the decision taker. Consequently, the main issues are whether the works preserve

¹ 17/00424/LB

the listed building or any features of special architectural and historic interest it possesses and whether the character or appearance of BCA is preserved or enhanced and whether any harm is caused to the significance of these designated heritage assets.

Reasons

6. The appeal building is a former dwelling that is presently used as an art gallery. It is 2-storey with an attic, is of limestone ashlar with a stone slate roof and dates from 1687 with later alterations and additions. From the details available to me, including the listing description, I consider that the significance of this building is largely derived from its age, form, fabric and architectural features, as well as its use.
7. The building is located within a central position within the High Street in Broadway and BCA. It is one of many historic buildings within this part of BCA the majority of which are now in commercial use but were originally dwellings. I consider that the significance of this part of BCA is mainly drawn from its predominantly rural character and the historic buildings that it contains together with its use of materials. Consequently, I consider that the appeal building makes a positive contribution to the character and appearance of BCA.
8. Sections 16(2) and 66(1) of the Act require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that significance can be harmed or lost through alteration or destruction of the heritage asset.
10. The works concern 2 externally illuminated hanging signs, CCTV domes and 2 small plaque signs with uplights and downlights either side of the main entrance door. As stated above, the majority of these works have now been granted listed building consent by the Council and it constitutes a fallback position. It would appear that only the external illumination to the hanging signs and the uplights have not been granted listed building consent. As such, I consider that it is reasonable to only consider the effect of the illumination in my determination of this appeal.
11. The illumination to the hanging signs is presently provided by four small spotlights on each sign. The listed building consent was supported by a visual impact assessment which contains numerous photographs of the building and the signs at night with the lights to the signs on and off.
12. The illumination provided by the spotlights is directional and focussed on the hanging signs. The uplights provide subtle lighting to the porch area of the building. The spotlights do highlight the signs but they also provide a form of subtle lighting to the building and even though this lighting draws attention to the signs it also draw attention to the building as do the approved downlights and the uplights. As such, the architectural features and form of the building's front elevation can be experienced when the lights are on at night. The hanging signs are an appropriate size in relation to the massing of the front elevation and they are respectful to the building's character. Consequently, I do not consider that their illumination obscures or distracts attention away from the significance and special interest of the building.

13. Contrary to the Council's Officer Report I noted that there are numerous instances of externally illuminated signage within the High Street and the majority of commercial windows/shopfronts have illumination internally and some buildings also have external illumination. Consequently, even though the majority of commercial premises within the High Street were originally dwellings the illumination of signage and buildings forms an integral part of the present character and appearance of BCA.
14. Taking into account all of the above I consider that the retention of the external illumination to the hanging signs and the uplights preserves the special interest of the listed building and the character and appearance of BCA causing no harm to their significance as heritage assets. As such, the works would be in accordance with the Act. The appeal proposals would not conflict with Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan insofar as they are a material consideration.
15. These policies, amongst other things, require development proposals to conserve and enhance heritage assets, be of a high design quality and that illuminated signage will only be permitted where lighting is unobtrusive or not considered harmful to the character and appearance of the site or surroundings. It follows that the works would also comply with the Council's Shop Front Design Guide Supplementary Planning Document. This states that lighting should be sympathetic to the design and style of the building.

Other matters

16. A third party has cited The Town & Country Planning (Control of Advertisement) (England) Regulations 2007 but these are not applicable to this appeal as it relates to listed building consent. They have also objected to the proposal on a wider basis, including in respect of the impact on the Cotswold Area of Outstanding Natural Beauty (AONB). This did not form part of the Council's reason for refusal. Taking into account my findings above in relation to the impact of the works on BCA I consider that the works would preserve the landscape and scenic beauty of the AONB.
17. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

18. I have taken in to account the Council's suggested condition. However, as the works have been carried out and I have found that the existing external illumination is acceptable no conditions are necessary.

Conclusion

18. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR