
Appeal Decisions

Site visit made on 17 July 2017

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

Decision date: 10 August 2017

Appeal A: Appeal Ref: APP/J3720/Y/17/3168449

The Church Street Townhouse, 16 Church Street, Stratford-upon-Avon CV37 6HB

- 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 WH Brakspear and Sons Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 16/03349/LBC, dated 9 June 2016, was refused by notice dated 6 December 2016.
 - The works proposed are replacement of front elevation signage.
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Appeal B: Appeal Ref: APP/J3720/H/17/3168442

The Church Street Townhouse, 16 Church Street, Stratford-upon-Avon CV37 6HB

- 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 WH Brakspear and Sons Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 16/03348/ADV, dated 8 June 2016, was refused by notice dated 6 December 2016.
 - The advertisement proposed is replacement of front elevation sign.
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Decisions –

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Procedural Matters – both appeals

3. In relation to Appeal B I have taken the description of the advertisement from the appeal form.
4. My attention has been drawn to the history of elevation signs at the appeal building and related planning decisions. However, I have assessed the appeal sign on its own merits, noting the differences between it and previously displayed signs.
5. The Council's Officer Report cites that there are numerous listed buildings within the wider setting of the appeal building. However, I have not been provided with any details or the locations of these buildings.

Main Issues – Appeal A

6. The appeal concerns a Grade II listed building within the Stratford-upon-Avon Conservation Area (SuACA). The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) imposes particular responsibilities on the decision taker. Consequently, the main issues are whether the works would preserve the listed building or any features of special architectural and historic interest it possesses (and its significance) and whether the character or appearance of SuACA would be preserved or enhanced.

Main Issue – Appeal B

7. The main issue in this appeal is the effect of the advertisement on visual amenity, having regard to the building's listed status and its location within SuACA.

Reasons – both appeals

8. The appeal building is currently in use as a restaurant, bar and hotel. Its central section is 3-storey and it has single storey wings to both sides. It occupies a prominent position on the junction of Scholars Lane and Church Street within SuACA. There are a number of attractive historic buildings around this junction including Guild Chapel and the Falcon Hotel.
9. The listed building dates from C1600 with the main front elevation having been rebuilt C1768 and there are later alterations to the entrance and parapet. There are clearly at least 2 separate phases to this building with the timber framing of the earliest phase visible on the side elevation and the Gothic inspired ogee-headed openings and crenellated parapet of the front elevation. The juxtaposition of the timber framing and the later frontage are visible from Church Street above the single storey wing adjacent to the Scholars Lane junction.
10. The appeal building's special interest and significance lie primarily in its history and the architectural importance of its original form and subsequent modelling. The listed building is one of many historic buildings within this part of SuACA. These provide a variegated and high quality streetscape along Church Street which defines the significance of this part of SuACA. Consequently, I consider that the appeal building makes a positive contribution to the character and appearance of SuACA.
11. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (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.
12. 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.
13. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and, where applicable, public safety. The parties concur that the appeal sign would not be harmful to public safety. However, its effect on amenity is disputed, and factors relevant to amenity are stated by the

- Regulations to include the general characteristics of the locality, including features of historic or architectural interest.
14. The proposed elevation sign would be located on the single storey wing adjacent to the Scholars Lane junction and it would be reduced in height to that previously refused by the Council. Nevertheless it would still be a large sign at around 2.3m wide. The proportions of the sign would be similar to those of openings on the front elevation of the appeal building.
 15. However, the majority of these openings especially those on the opposite single storey wing have a vertical emphasis whereas the sign would have a horizontal emphasis. This in combination with its dark colour and overall size would exacerbate the visual prominence of the sign. As a result, it would draw attention away from the positive aspects of the listed building I have identified above, which are the principal contributors to its significance.
 16. The appellant has cited signage at The Windmill public house, within their evidence, which is also on Church Street but there is no elevation sign attached to that building which would be comparable to the proposal. Moreover, whilst there is some variety in the design and materials of the signs displayed on buildings in Church Street, in the vicinity of the appeal building, the signage to historic buildings is mainly restrained in size and respectful to the buildings' character.
 17. Consequently, there is generally a considerable degree of conformity with the advice relating to signs contained in the Council's adopted District Design Guide Supplementary Planning Guidance (SPG) within this part of SuACA. The SPG states, amongst other things, that signs should remain secondary to any individual building and the aim should be to create an environment in which the buildings and activities are the principal attraction and visual interest.
 18. Overall, I consider that the visual prominence of the proposed sign would detract from the significance of the listed building and it would diminish the contribution that the listed building makes to SuACA thereby failing to preserve the character and appearance of SuACA.

Conclusion – Appeal A

19. Consequently, the proposal would not preserve the special architectural and historic interest or significance of the listed building and it would not preserve the character or appearance of SuACA. Within the overall context of the listed building and SuACA, the harm I have identified would amount to less than substantial harm for the purposes of paragraph 134 of the Framework.
20. It is important that listed buildings are maintained in beneficial use, and appropriate signage is integral to the success of any commercial business especially for identification purposes. However, I am not persuaded that the size, colour and location of the sign proposed are necessary for the viability of this business as other more sympathetic means of providing advertising signage in accordance with the Council's SPG could be explored.
21. The desirability of preserving the listed building and SuACA are matters to which considerable importance and weight are to be accorded, and I conclude that no public benefits have been put forward which would outweigh the harm that would be caused to the designated heritage assets. It follows that the proposal would be contrary to the historic environment policies of the Framework. Insofar as they are material considerations, it would also conflict with Policies CS.8 and CS.9 of the Stratford-on-Avon District Core Strategy

which state that the District's historic environment will be protected and enhanced for its inherent value and for the enjoyment of present and future residents and visitors and that advertisements will not be permitted if the character of the building would, amongst other things, be unduly affected due to inappropriate size and design.

Conclusion-Appeal B

22. With respect to the Regulations the listed status of the appeal building and its location with SuACA, together with the provisions of the development plan, are relevant material considerations. Having regard to all the relevant factors set out above, I conclude that the sign would be harmful to visual amenity.

Overall conclusion – both appeals

23. For the reasons set out above, both appeals should be dismissed.

D. Boffin

INSPECTOR