
Appeal Decisions

Site visit made on 30 August 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 05 September 2017

Appeal A: Ref: APP/X5990/Y/17/3174986
17-19 Bedford Street, London, WC2E 9HP

- 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 wagamama Ltd against the decision of City of Westminster Council.
 - The application Ref: 17/00833/LBC dated 1 February 2017, was refused by notice dated 8 March 2017.
 - The works proposed are: "Mounting of two signs on the shop front elevation".
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Appeal B: Ref: APP/X5990/H/17/3174984
17-19 Bedford Street, London, WC2E 9HP

- 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 wagamama Ltd against the decision of City of Westminster Council.
 - The application Ref: 17/00832/ADV dated 30 January 2017, was refused by notice dated 8 March 2017.
 - The advertisements proposed are: "Display of 1 x non-illuminated fascia sign on front elevation, 1 x static illuminated hanging sign on front elevation and 1 x window film graphic on side elevation to obscure public view into restaurant back of house".
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Decision:

1. The appeals are dismissed.

Procedural Matters

2. **(Appeal A)** I have amended the description of the proposal from that stated on the application form, as the Council is satisfied that the installation of a security light and sensor over the side door to Bedford Court does not require listed building consent. I find no reason to disagree.

Main Issue

3. The main issue common to both appeals is the effect of the proposed signs on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Covent Garden Conservation Area.

Reasons

4. The appeal property is a Grade II listed building dating from the late 19th century; originally the area post office for Covent Garden although latterly in office use. It features a dignified and bold classical façade of smooth Portland

Stone ashlar to the street. The side elevation facing Bedford Court is unrelated to the main facade and dates from the 1980's. The building is prominently located within the Covent Garden Conservation Area and there are a large number of other listed buildings in the vicinity, many of which are in retail or restaurant use at street level and display a wide variety of advertisements and signage of various types and designs.

5. The proposal projecting sign and fascia are common to both appeals. The projecting sign measures 1.31m tall x 0.825m wide and is mounted on the stone pilaster adjacent to the covered entrance to Bedford Court. It is constructed of powder-coated aluminium with attached lettering, and externally illuminated by a pair of LED strips over each face of the sign. The fascia sign measures 2.39m wide x 0.6 deep and is mounted above the main front entrance door. It is constructed from the same materials and would be non-illuminated. The listed building consent appeal (Appeal A) also includes the panel of black vinyl fixed to the inside of the fanlight window above the central door. At the date of my site visit it was evident that the signs (and the black vinyl) had already been installed in accordance with the submitted details.
6. In respect of the advertisement consent appeal (Appeal B) consent is also sought for the installation of window film graphics to the side elevation, with one window incorporating a vertically oriented advertising feature. The installation of a security light and sensor over the side door is also proposed. The Council is satisfied that these elements of the scheme do not require listed building consent, and I find no reason to disagree.
7. The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. National Planning Policy relating to conserving and enhancing the historic environment is set out in Section 12 of the *National Planning Policy Framework* (the Framework).
8. Policies S25 (heritage) and S28 (design) of the *Westminster City Plan 2106* (WCP), and saved policies DES10 (listed buildings), and DES8 (design of signs and advertisements) of the *Westminster Unitary Development Plan 2007* (UDP) are relevant. Amongst other matters UDP Policy DES8 says signs and advertisements should relate to the character, scale and architectural features of the building on which they are to be fixed. The Council has also referred to its adopted Supplementary Planning Guidance on *Repairs and Alterations to Listed Buildings, Shopfronts, Blinds and Signs, and Advertisement Design*.
9. Whilst development plan policies and the SPG are important considerations in terms of the listed building consent appeal, powers under the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* require decisions to be made only in the interests of amenity and, where applicable, public safety. As such, they are not a determining factor in the advertisement consent appeal, which I have considered in the light of the Regulations and paragraph 67 of the Framework. Which says that poorly placed advertisements can have a negative impact on the appearance of the built environment Paragraph 58 says development should respond to local character and history and reflect the identity of local surroundings and materials.

10. The existing stone fascia features raised panels to each bay (two of which display carved stonework), and these are an intrinsic part of the buildings character and contribute to its significance. The fascia sign entirely obscures the central panel and appears as a prominent feature on the façade, at odds with its dignified and well-proportioned design.
11. By reason of its size and bulk, the proposed projecting sign dominates the south end of the façade. Further, its considerable height and projection, together with its 'boxy' design would detract from the strength and integrity of the façade. Also, being below the capital of the stone pilaster, I agree with the Council that it relates awkwardly to the opening formed by the side passage.
12. Arising from its solidity and blank appearance, the black vinyl panel to the central door fanlight detracts from the design of the façade, and in particular the architectural composition of the central door feature.
13. Although innovative design can certainly be acceptable in many situations and locations; due to their size and unsympathetic siting, I consider in this case that cumulatively the signs would be at odds with the building's distinctive late 19th century classical Italianate façade, and would detract from its significance.
14. Therefore, for the reasons given above, I consider the proposal would fail to preserve the special architectural and historic interest of the listed building. For the same reasons it would fail to preserve or enhance the character or appearance of this part of the conservation area. Paragraph 132 of the Framework makes it clear that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of the heritage asset. As heritage assets are irreplaceable, any harm should require clear and convincing justification.
15. However, the works proposed would only affect one section of the listed building and only a limited part of the conservation area. Consequently, I am satisfied that the degree of harm caused would be less than substantial, although this harm is nevertheless a matter to which I attribute substantial weight. In such situations paragraph 134 of the Framework says any harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use.
16. The appellant says it is a basic requirement that shops and restaurants advertise their presence to those passing by, and must display signage promoting their services. Whilst I fully accept this requirement it has not been demonstrated that the commercial success of the business in any way dependant on the proposal, as other more sympathetic means of providing advertising signage in accordance with the Council's policies and guidance could be explored. As a consequence, what public benefits there might be are not sufficient to outweigh the harm that they would cause.
17. The appellant has referred to other examples in Bedford Street and the wider Conservation Area where the Council has granted consent to display fascia and/or hanging signs on listed buildings. Photographs have been supplied and I took the opportunity to view a number of these at my site visit. However, most of these relate to the more conventional type of timber shopfront and fascia, rather than the stone façade in this case. Nor I am aware of the site-specific circumstances, site history, or other considerations which may have been taken

into account by the Council when deciding to grant consent. Consequently, these other examples have not influenced my reasoning, and in any event, each application and appeal falls to be considered on its own merits.

Conclusion

18. (**Appeal A**) On balance, I conclude that the proposed works would cause less than substantial harm to the significance of this Grade II listed building and would not preserve its special architectural or historic interest. For the same reasons it would fail to preserve the character and appearance of Covent Garden Conservation Area. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with National policy in the Framework, saved UDP Policy DES10, and advice in the SPG.
19. (**Appeal B**) Although I have no objections to the window film graphics sign to the side elevation, I conclude that proposed fascia and projecting signs on the front elevation would be detrimental to the interests of visual amenity and that the appeal should fail. I find that these signs would conflict with the relevant advice in the Advertisement Regulations, saved UDP Policy DES8 and the Advertisement Regulations.
20. Therefore, for the reasons given above, and having taken into account all other matters raised, I conclude that both appeals should be dismissed.

Nigel Harrison

INSPECTOR