



Appeal Decision

Site visit made on 3 October 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 12 October 2017

Appeal Ref: APP/A0665/Z/17/3178978

32 Frodsham Street, Chester CH1 3JL

- 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 Stonegate Pub Company against the decision of Cheshire West & Chester Council.
 - The application Ref 17/01936/ADV, dated 26 April 2017, was refused by notice dated 22 June 2017.
 - The advertisement proposed is the proposed replacement signage scheme comprising an externally-illuminated fascia sign ('Sign A'); an externally-illuminated bullnose gable panel sign ('Sign B'); two unilluminated bullnose amenity boards ('Signs C'); one externally-illuminated double-sided projecting sign, fitted to the existing gibbet frame ('Sign D'); one unilluminated menu sign ('Sign E'); one brass lantern with associated bow bracket ('Sign F'); and seven low-energy LED downlighters ('Sign G').
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Decision

1. The appeal is allowed and express consent is granted for the display of the proposed replacement signage scheme comprising an externally-illuminated fascia sign ('Sign A'); an externally-illuminated bullnose gable panel sign ('Sign B'); two unilluminated bullnose amenity boards ('Signs C'); one externally-illuminated double-sided projecting sign, fitted to the existing gibbet frame ('Sign D'); one unilluminated menu sign ('Sign E'); one brass lantern with associated bow bracket ('Sign F'); and seven low-energy LED downlighters ('Sign G') as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. Shortly after lodging the appeal, the Council granted advertisement consent for a revised scheme (Council Ref: 17/02778/ADV). This scheme omitted the external illumination proposed in the development that is the subject of this appeal, in respect of signs A, B and D. I could see from my site visit that the advertisements granted approval in the revised scheme had already been erected. In light of this, and as the Council did not raise any specific concerns about the effect of the proposed adverts on public safety, my findings relate to the Council's concerns, insofar as visual amenity, with the proposed external illumination for signs A, B and D.

Main Issue

3. The main issue is the effect that the proposed external illumination for signs A, B and D would have on visual amenity and, thus, the character and appearance

of the surrounding area, having regard to the appeal site's designation as a Grade II listed building in the Chester City Centre Conservation Area (CCCCA).

Reasons

4. The appeal site is an established public house within the CCCCCA. The building is an attractive grade II listed building on the corner of Frodsham Street and Union Walk. The site's listing refers to the building as the 'City Arms Public House'. However, the appellant company has changed its name to the City Tavern. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) explains that '*...special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' of a listed building. Section 72(1) of The Act also requires that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*'
5. This part of the city centre is characterised by its historic, architectural and commercial make up. As the entrance into the public house is on the corner of both streets, the building addresses both. Frodsham Street, in particular, comprises of a mixture of uses. It forms part of a vibrant city centre route that is heavily used by pedestrians and less so by vehicles. Adverts in this commercially dominated area show some variation in style and character. There are examples of different types of external illumination near to the site. The proposed externally illuminated adverts would be apparent to occupiers of nearby buildings and passers-by on Frodsham Street, including during the hours of darkness.
6. Signs A, B and D would, except for the proposed illumination, be replacement adverts. Signs A and B would be illuminated by a single slimline LED trough light, while sign D would benefit from two; one either side of the proposed hanging sign. The proposed lighting would be viewed in the context of each sign, even if they would add extra bulk to the upper part of them.
7. In terms of signs A and B, the lights would extend away from the building. However, their slim profile and discrete positioning would mean that they would not unduly project from each elevation. They would also not be as bulky or obvious as the trough lights that serve some of the adverts on nearby premises in Frodsham Street¹.
8. Although the Council state that these are either historic signs that would not be supported or that they do not benefit from advertisement consent, they do, however, form part of the current character and appearance of the CCCCCA and the setting of the listed building. There is also no evidence that points to the Council taking steps to address any advertisements which do not benefit from consent. In many of the examples cited, the trough lights do protrude further than the slim trough lights proposed in this appeal.
9. Despite this, sign A would be positioned beneath an attractive first floor window. The proposed trough light would sit just below the cill of this window and extend beyond its width. As a result, the trough light would result in the loss of the any meaningful distinction between the advert and the window. However, despite its width, the light would not mask the cill, the window or its attractive features. The black finish of the light would also ensure that it would not be out of keeping with the building's appearance due to the colour pallet of

¹ Appendix 5, Appellant's Grounds of Appeal and Statement of Case

the first floor and both pediment-gables. I am also not persuaded that the lights position, direction and slim profile would draw attention from the visual amenity or the significance of this window, the listed building or the CCCCA, even during the hours of darkness. As such, sign A would be unobtrusive and it has been sensitively designed.

10. With regard to the trough lights either side of sign D, these would be more obvious when viewed from both directions on Frodsham Street than signs A or B. However, this is a commercial environment that is active during the day and night. Thus, given the slim profile of both lights, I consider that they would be modest and discreet, even at night, as they would be viewed in the context of the wider street.
11. While, I am, conscious of the proposal's contribution to any cumulative effect on visual amenity, the proposed adverts are generally separated from the examples cited and among other forms of advertisements, so that they would not, in this regard, significantly affect the setting of the listed building or the character and appearance of the CCCCA. Although, the proposed means of illumination would not necessarily enhance signs A, B or D, equally, they would not harm them either. These adverts, including the proposed external illumination would therefore preserve the significance of the listed building and the character and appearance of the CCCCA.
12. The Council has referred to policies from the Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1), saved policies from the Chester District Local Plan (Local Plan) and the Council's Advertisements and Banners Supplementary Planning Document (SPD). I have taken into account LP1 Policies ENV 5 and ENV 6, saved Local Plan Policies ENV 37, ENV 49 and ENV 50, and the SPD. These seek to protect amenity, including the presence of historic and architectural interests, and so are material in this case. I have also had regard to paragraph 67 and section 12 of the National Planning Policy Framework (the Framework), which seek to prevent the negative impact of poorly placed advertisements and promote the conservation and enhancement of the historic environment and heritage assets.
13. The proposed external illuminated adverts would not accord with the SPD insofar as they would be sited on a listed building and in the CCCCA. The proposed illumination would also not enhance the advertisement display as sought by Local Plan Policy ENV 50. However, signs A, B and D would, for the reasons set out, preserve the character and appearance of the CCCCA, and safeguard the special character and significance of the listed building. Thus, I conclude that signs A, B and D would be acceptable in terms of visual amenity and they would not conflict with the other policies set out above or the SPD.

Conclusion

14. For the reasons given above, I conclude that the display of the advertisements would not be harmful to the interests of amenity.

Andrew McGlone

INSPECTOR