
Appeal Decisions

Site visit made on 13 May 2019

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2019

Appeal A Ref: APP/X1118/Y/18/3206046

Ship and Pilot, 9-10 Broad Street, Ilfracombe EX34 9EE

- 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 Joanna Minskip against the decision of North Devon District Council.
 - The application Ref 64662, dated 7 March 2018, was refused by notice dated 22 May 2018.
 - The works proposed are described as the "retrospective application for retention of signage".
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Appeal B Ref: APP/X1118/H/18/3206248

Ship and Pilot, 9-10 Broad Street, Ilfracombe EX34 9EE

- 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 Joanna Minskip against the decision of North Devon District Council.
 - The application Ref 64663, dated 7 April 2018, was refused by notice dated 22 May 2018.
 - The advertisement proposed is described as "pub signage".
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. The Ship and Pilot is a grade II listed building within the Ilfracombe Conservation Area. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
4. The original applications and the appeals were submitted by Mr Gary Down, although after October 2018 Mr Down no longer held the lease for the public house. The right of appeal is only given to the original applicant, although they can authorise another person to submit and conduct an appeal on their behalf. As the original applicant has confirmed in writing that the appeals are to proceed on behalf of Joanna Minskip, I have determined them on that basis.

5. The Council refused the planning application under the requirements of policies in the North Devon Local Plan (2006). In October 2018 the North Devon and Torridge Local Plan (LP) was adopted, and the Council have confirmed that the policies within the LP have superseded those in the 2006 Local Plan. Development plan policies are not determinative in listed building and advertisement cases. As policies have been brought to my attention, I have taken them into account as material considerations in the determination of the appeals, having regard to the most up-to-date policies as I am obliged to do.
6. As set out above, there are two appeals on the same site, one for listed building consent and the other for advertisement consent. They seek a fascia sign upon a public house. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
7. It was apparent from my visit that the fascia sign had been erected. Notwithstanding this, I have determined the appeals on the basis of the submitted drawings, rather than what has occurred on site.

Main Issue

8. The main issue is whether the sign would preserve a listed building or its setting or any features of special architectural or historic interest which it possesses, and linked to that whether the sign would preserve or enhance the character or appearance of a conservation area.

Reasons

9. The Ship and Pilot public house is a 3 storey building with rooms in the roof that forms part of a terrace close to the harbour. Constructed from traditional materials of rendered walls under a slate roof, the size and prominence of the public house make it a distinctive building in the area. This and the ordered hierarchy of the building's front elevation, including the presence of several elegant multi-pane sash windows, is all part of the special interest of this listed building.
10. The dominance and importance of the harbour within the town is reflected in the number of high quality historic buildings that are concentrated around it. The area behind the harbour is characterised by narrow roads along which is a tight pattern of street frontage development, with both commercial and residential buildings present. The appeal property is one of several public houses in the area, reflecting the historic focus and development of the town upon the harbour and its associated industries. The concentration of so many high quality historic buildings near to the harbour, and the variety of uses they are put to, along with their construction from traditional materials, gives a vibrant and diverse character and appearance to the area. The public house makes a positive contribution towards the significance of the conservation area, with the openness of the car park / bus station that is opposite this building enhancing its prominence.
11. The illuminated box profile sign has been positioned above the historic sash windows of the first floor. Due to the size and modern style of the sign, it forms an incongruous addition upon the listed building. Whilst the appellant considers the dark colour blends into the building, given that the box projects away from the wall and is internally illuminated, the sign is overtly conspicuous

both upon the building and within the area. The size, boxed form and projection of the sign away from the façade, are all harmfully incongruous with the simple, elegant style and proportions of the front elevation of the building in which no one architectural element dominates.

12. Moreover, the sign has a modern style and is constructed from aluminium, neither of which harmonises nor reflects the traditional materials and form of the listed building, nor those of the nearby historic buildings. Although the appellant has referred to the illumination only being noticeable at night, the dominance of the sign upon the building is such that it would unacceptably draw the eye from some distance away.
13. My attention has been drawn to local support for the scheme and that there are a number of other illuminated signs within the conservation area. However, I do not have the full planning history of these properties before me, and in any case each scheme has to be treated on its own individual merits in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
14. The appellant has also referred to the retention of the sign having a minimal effect on the fabric of the building. Nevertheless, details of the installation and the physical impact of such works upon the historic fabric have not been provided. In the absence of such information, I am unable to consider this matter further.
15. The National Planning Policy Framework (the Framework) requires that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the harm would be substantial or less than substantial to its significance. Any harm or loss to the significance requires clear and convincing justification.
16. In this case the harm to the listed building and the conservation area would be less than substantial, given the extent of the scheme relative to the size of the public house and that of the conservation area. Notwithstanding this, less than substantial harm does not necessarily equate with less than substantial planning objection, especially where the statutory expectations of the Act have not been met. The appellant has referred to the signage having to be effective for the business. However, the impact of the sign upon the business has not been substantiated, nor has it been explained whether there would be any public benefits arising from its presence. As such no public benefits have been identified that would outweigh the harm I have found.
17. Taken as a whole the sign would neither preserve a listed building nor its setting and that of those nearby, nor preserve nor enhance the character and appearance of the conservation area. Consequently, the sign would fail to accord with LP Policies DM07 and ST15. These policies seek amongst other things, that great weight is given to preserving, conserving and enhancing heritage assets, thereby reflecting objectives of the Framework.

Other Matters

18. Finally, the appellant's concerns regarding the Council's handling of the applications and inconsistency of decision making are procedural matters.

Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

Conclusion

19. Thus, for the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR