



Appeal Decisions

Site visit made on 2 October 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Appeal A: Ref: APP/C2741/Y/19/3231820

1, Bridge Street, York, YO1 6DD

- 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 Stonegate Pub Company against the decision of City of York Council.
 - The application Ref: 19/00779/LBC, dated 29 March 2019, was refused by notice dated 10 June 2019.
 - The works proposed is display of 1 No internally illuminated panel sign.
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Appeal B: Ref: APP/C2741/H/19/3231821

1 Bridge Street, York, YO1 6DD

- 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 City of York Council.
 - The application Ref: 19/00780/ADV, dated 29 March 2019 was refused by notice dated 7 June 2019.
 - The advertisement proposed is display of 1 No internally illuminated panel sign.
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Decision: Appeal A

1. The appeal is dismissed.

Decision: Appeal B

2. The appeal is dismissed.

Procedural Matters - Both Appeals

3. The appeal premises comprise two separately Grade II listed buildings: No 1 Bridge Street and Varvil's Warehouse, together with a modern linking block which comprises part of the Merchant Exchange complex. The immediate locality contains a large number of other listed buildings. The site is within the York Central Historic Core Conservation Area (YCHCCA).
4. There has been some dispute between the parties about the listed status of the modern linking building. However, the Local Planning Authority (LPA) has confirmed that it erred in originally stating that listed building consent was not needed; and its advice to that effect has been revoked following a review of the relevant provision in the Act¹. All the components of the appeal site, comprising the modern link and the two separately listed buildings, are physically joined,

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

and as stated in Section 1(5) of the Act, the listing includes any object or structure fixed to the listed building.

5. Following determination of the applications to which these appeals relate, the LPA has granted advertisement and listed building consent for the installation of advertisements on the Bridge Street frontage; an internally illuminated menu sign and a non-illuminated hanging sign. Two other internally illuminated signs were removed from that scheme prior to determination).
6. In the banner heading above I have taken the description of the proposal from the Council's decision notices. Although differing from those stated on the respective application forms, they more accurately describe the proposal.
7. The application was amended by revised plans dated 2 May 2019 which show a tile effect timber fascia panel in place of the aluminium fascia panel previously proposed. I have considered the appeal on the basis of the revised plans.

Policy

8. The *City of York Development Control Local Plan 2005* (LP), although not formally adopted as a statutory plan, has been adopted by the Council for development control purposes. The emerging *City of York Local Plan February 2108 - Publication Draft* (ELP) has reached an advanced stage in its process towards adoption. Both these Plans are an important material consideration.
9. Whilst these policies are important material considerations in terms of the application for listed building consent, 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 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 132 of the updated revised *National Planning Policy Framework* (the Framework).

Main Issues

10. The main issue in **Appeal A** is the effect of the proposed sign on the special architectural and historic interest of the Grade II listed buildings and whether it would preserve or enhance the character or appearance of the YCHCCA.
11. The main issue in **Appeal B** is the effect of the advertisement on visual amenity, having regard to the listed status of the buildings and the conservation area location.

Reasons – Both Appeals

12. The proposed sign comprises a tile-effect timber fascia panel with individually halo-illuminated affixed letters. It would be positioned on the riverside elevation, set above an existing customer seating/balcony area.
13. No 1 Bridge Street is a former house and shop dating from the early-19th century. It is prominently located on a corner at the west approach to Ouse Bridge with a 3-bay river frontage. Varvil's Warehouse, which dates from the mid-19th century, is located at the corner of Queen's Staithe Road and the river front. Merchant Exchange, which links these buildings, has a much wider river frontage featuring a raised riverside terrace and balconies.

14. As stated above, the modern link building also has listed status as a structure fixed to (and in this case enveloping) the separately listed principal buildings. This does not necessarily mean that it has any significant value in contributing to the character or special interest of the principal buildings; much will depend on matters such as its history, use and appearance. Nevertheless, its preservation carries the same considerable importance and weight and its contribution to significance, either in its own right or as part of the listed group as a whole therefore needs to be assessed.
15. Apart from the historic and aesthetic interest of No 1 Bridge Street and Varvil's Warehouse, which have considerable significance in their own right, the modern section of the building also has significance having been carefully designed and detailed to sit alongside the historic character of No 1 Bridge Street and Varvil's Warehouse. A large part of the significance is due to the prominence of this large riverside complex in the downstream view from Ouse Bridge, which is identified as a 'key view' in the YCHCCA Appraisal and Management Strategy.
16. Although not overly large in the context of the building to which it would be attached, the use of illumination would make the sign appear prominent during darkness; and at all times it would detract from the character of the listed buildings. Furthermore, it would conflict with the criterion of ELP Policy D13 which says illumination will only be supported where it will preserve or enhance the historic character of the building and area. I also consider that the sign's tile-effect design would be at odds with the palette of materials used on the existing building. As such, there would be conflict with the requirement of LP Policy HE8 that the design and appearance of advertisements should respect the character and appearance of the area; and have good quality materials sympathetic to the surface to which they are attached.

Conclusion – Appeal A

17. In Appeal A, I conclude that the harm caused by the sign is contrary to the expectations of Sections 16(2) 66(1) and 72(1) of the Act which require the decision-maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses; and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
18. There is also conflict with the Framework, which says when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I consider that the harm in this case, although serious, would be less than substantial in the terms meant by the Framework.
19. Paragraph 196 states that less than substantial harm should be weighed against the public benefits of the proposal. I have been given no strong evidence to indicate that the sign is essential to the vitality and continuing viability of the business, or to the ongoing maintenance and upkeep of the listed buildings. Nor am I persuaded that without the appeal sign, the business's ability to attract customers would be lessened (particularly in the context of the extensive rebranding/refurbishing package and other

advertisements that have already been consented). No other public benefits have been put forward that would outweigh the harm.

20. On balance, I conclude that the proposed sign would cause less than substantial harm to the significance of the listed buildings and would not preserve their special architectural or historic interest. For the same reasons it would fail to preserve the character and appearance of the YCHCCA. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with National policy in the Framework, LP Policies HE8 and GP21, and ELP Policies D5 and D13.

Conclusion – Appeal B

21. In Appeal B, the listed status of the appeal premises, the location within the YCHCCA, together with the provisions of the LP and ELP, are relevant material considerations. Having regard to all the relevant factors set out above, I conclude that the proposed sign is harmful to visual amenity.

Other Matters

22. Whilst I note the appellant's willingness to negotiate and compromise with the LPA on replacement signage elsewhere on the premises, this does not affect my reasoning. Nor does the fact that no historic architectural features would be obscured, or any historic fabric lost, have any bearing on my reasoning.
23. I have also considered the impact of the sign on the settings of nearby listed buildings, principally Nos 2-5 and 8-9 Bridge Street. However, due to the position of the sign on the river frontage there would be little inter-visibility or impact on views; and I am satisfied that there would be no harm caused to their settings or significance. The harm I have identified is that caused to the site's listed buildings and to the YCHCCA, which must be decisive.
24. The Council says the sign would be out of character with the residential nature of the upper floors. However, residential accommodation in the city centre is often to be found above commercial ground floor uses (and their associated signage), and I do not agree with this argument. However, this does not affect my conclusions with regard to the harmful effect of the sign as detailed above.

Overall Conclusion – Both Appeals

25. 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