The Planning Inspectorate

Appeal Decision

Site visit made on 21 October 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 18 November 2019

Appeal Ref: APP/M4510/F/18/3206899

Marco Polo Pizzeria, 33 Dean Street, Newcastle-upon-Tyne NE1 1PQ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Marco Polo against a listed building enforcement notice issued by Newcastle-upon-Tyne City Council.
- The enforcement notice was issued on 7 June 2018.
- The contravention of listed building control alleged in the notice is the erection of three non-illuminated hanging signs, one internally illuminated projecting sign to the front elevation and the fixing of one internally illuminated menu board to the front elevation on Dean Street.
- The requirements of the notice are 1. Remove the three hanging signs from the front elevation; 2. Remove the illuminated projecting sign from the front elevation; 3. Remove the illuminated menu board from the front elevation; 4. Repair any underlying damage to the stone work following compliance of requirements 2 and 3 above, using a mortar mix comprising i. Natural Hydraulic Lime (strength 3.5) and ii. 2.5 parts washed, well graded sharp sand (all sand to be selected to match the grain, coarseness and colour of the existing stone); and 5. Repair any underlying damage to the woodwork following compliance of requirements 1 above, by filling holes with wood filler and sanding to remove the excess to match existing and repaint to match the fascia.
- The period for compliance with the requirements is two months.
- The appeal is made on the grounds set out in section 39(1)(b), (c) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. The enforcement notice is varied by the deletion of 'three non-illuminated hanging signs' from the breach of planning control in section 4 and the substitution instead of 'three internally illuminated hanging signs'. Subject to the variation the appeal is dismissed and the listed building enforcement notice is upheld.

Reasons

The ground (b) appeal

2. The Council has accepted that the three non-illuminated hanging signs that are subjects of the breach of listed building control are, in fact, internally illuminated. This must be the reason for the Appellant's comment in the appeal form that the "Nature of existing signage as described by Newcastle City Council is disputed". The breach of planning control can be varied to correct the inaccuracy without prejudice to the Appellant. The ground (b) appeal succeeds and the enforcement notice has been varied by the deletion of 'three non-illuminated hanging signs' from the breach of planning control in section 4 and the substitution instead of 'three internally illuminated hanging signs'.

The ground (c)

3. The matter for consideration under ground (c) is whether the unauthorised works affect the character of the listed building, not whether the works adversely affect, or not, the character of the building and its architectural and historic interest. That is a matter for consideration under ground (e). The signs and menu board are modern additions to the historic frontage of a listed building and have affected its character. The ground (c) appeal thus fails.

The ground (e) appeal

4. Marco Polo Pizzeria is within a Grade II listed building. The main issue is the effect of the hanging signs, the projecting sign and the menu board on the architectural and historic interest of the listed building.

5. The five storey plus attic, seven bay, mid-terraced property was built in the early 20th century as offices above shops; the shops now being a restaurant. At ground floor level there are two cast iron elaborate Ionic columns either side of a slightly projecting central bay. Above the ground floor windows and doorway is a shallow fascia beneath heavy corbels. The building has many decorative architectural features.

6. In June 2017 listed building consent was granted for the erection of three illuminated fascia signs, a non-illuminated projecting sign and an illuminated menu sign. The hanging signs, projecting sign and menu board that are the subjects of the enforcement notice differ from the authorised works.

7. The consent included the relocation of the three hanging signs to the fascia on the frontage but they have not been so relocated. In their hanging locations the signs are visually intrusive, prominent and incongruous, and detract from the decorated frontage of the listed building. The projecting sign to the right of the frontage lacks the subtlety of the consented projecting sign as a result of its horizontal proportions and broad bracket. The menu board, rather than having a single illuminated panel, has three illuminated panels and is over complicated. It is larger than the consented board and has cramped lettering above the menu panels. Individually and collectively the hanging and projecting signs and the menu board currently in place detract from, and have caused harm to, the architectural and historic interest of the listed building. Though the Development Plan is not a statutory consideration in matters relating to listed building consent, it is worth noting that the works as carried out conflict with policy C2 of the Newcastle-upon-Tyne Unitary Development Plan.

8. Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal. The harm that has been caused to the listed building by the unauthorised signs and menu board is less than substantial but there are no public benefits to be weighed against the harm caused.

Other matter

9. The appeal building is located within the Central Conservation Area. In the context of the Conservation Area the unauthorised works are minor and have not caused any material harm to the character and appearance of the area. usion

10. The hanging and projecting signs and menu board that are the subjects of the enforcement notice detract from, and have caused harm to, the architectural and historic interest of the listed building. The ground (e) appeal thus fails.

John Braithwaite

Inspector