

Appeal Decision

Site visit made on 19 November 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: 25th November 2019

Appeal Ref: APP/A5270/Y/18/3219031

Orchard House School, 16 Newton Grove, London W4 1LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Orchard House School against the decision of the London Borough of Ealing.
 - The application Ref 182289LBC, dated 14 May 2018, was refused by notice dated 23 July 2018.
 - The development proposed is erection of sign at school entrance.
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Decision

1. The appeal is dismissed and listed building consent is refused.

Reasons

2. 16 Newton Grove is a Grade II listed building. The application sought the grant of listed building consent for a free-standing sign at the school entrance.
3. The Council's 'Notice of Planning Decision' stated that the "...application has been considered in accordance with the Town and Country Planning Act 1990 (as amended)..." and "...permission is refused". This is the wrong legislation for consideration of an application for listed building consent (the correct legislation being the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act)), and the application sought consent not permission.
4. The notice, furthermore, did not include a reason for refusal of the application and, in an informative, it is stated that "...specific consideration was given to the impact of the application on the amenity of neighbouring residents, the appearance and character of the listed property and the wider area. The proposal is considered acceptable on these grounds and is also considered to comply with the relevant policies in the adopted Development Management Plan Document (2013). It is not considered that there are any other material considerations in this case that would warrant a refusal of the application".
5. The notice of planning decision is fundamentally flawed. Given that consideration was given to the wrong Act, the lack of a reason for refusal of the application, and what is stated in the informative, it is unclear on what basis, and why, the Council refused the application for listed building consent.
6. Section 16(2) of the LBCA Act states that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses". The proposed sign, given that it would be free-standing, would not therefore affect the preservation of the building or any features of special architectural or historic interest that it possesses"

7. The main issue is the effect of the proposed sign on the setting and significance of the listed building.

8. 16 Newton Grove, along with other listed buildings in the area, form part of the Bedford Park development of 1875-85. The houses, some now in other uses, were designed in the Picturesque style. The appeal building has three storeys, is constructed in red brick under a gable tiled roof with dormers, and, along with other distinctive features, has a shaped gable above the front entrance door. The porch is on the front elevation of the building to Newton Grove.

9. The Heritage Statement that accompanied the application states that "The building has significant aesthetic value" and that "The aesthetic qualities of the building are best appreciated from Newton Grove...". These statements are true, as is "The evidential, historic and aesthetic values of the building underpin the reasons for its designation as a Grade II listed building".

10. The proposed sign would be 1225mm wide and 525mm high. It would be in transparent glass with etched lettering, would be supported on stainless steel posts, would have the potential to be side lit, and would be positioned just above a frontage boundary fence. The Heritage Statement assesses the effect of the sign and concludes that it "...would have some very slight effect upon the appreciation of the aesthetic value of the listed building's principal frontage from both Newton Grove and Bedford Road. This effect would...be harmful, albeit at a very low level of less than substantial harm, and, in the terms of Section 16 of the 1990 Act, fail to preserve the setting of the listed building".

11. The Heritage Statement understates the harm that would be caused. The sign, given its size, materials and position relative to the frontage of the building, would be a prominent, visually intrusive and alien feature that would detract from the 'significant aesthetic value' of the building. The proposed sign would have a more than slight adverse effect on the setting and significance of 16 Newton Grove.

12. The harm to the significance of the listed building would be less than substantial. However, with regard to paragraph 196 of the National Planning Policy Framework, there are no public benefits to outweigh the harm that would be caused. The Development Plan is not a statutory consideration in matters relating to listed building consent, but it is worth noting that the proposal conflicts with the thrust of policy 7C of the Ealing Development Management Plan Document.

Other matters

13. 16 Newton Grove is situated within the Bedford Park Conservation Area. For the reasons given above the proposed sign would have an adverse effect on the character and appearance of the Conservation Area. Neither the presence of other signs in the area nor any other matters mentioned in support of the appeal, either individually or collectively, outweighs the conclusion on the main issue.

John Braithwaite

Inspector