
Appeal Decision

Site visit made on 23 June 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2020

Appeal Ref: APP/L3625/W/19/3234888

27 Bell Street, Reigate, RH2 7AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bills Restaurants Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 19/00800/F dated 18 April 2019, was refused by notice dated 13 June 2019.
 - The development proposed is described as 'retention of canopy valance to shop front'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my site visit I observed that the canopy valance has been installed and I have considered the appeal on this basis.
3. Since the determination of the planning application, the Council has adopted the Reigate and Banstead Development Management Plan (2019) (DMP). The policies in the DMP supersede most of the saved Reigate and Banstead Borough Local Plan (RBBLP) policies, including Policies Sh2, Pc10 and Pc13, which are cited in the Council's reason for refusal.
4. I have therefore had regard to the relevant policies of the DMP, as well as those of the Reigate and Banstead Core Strategy (2014) (RBCS), in my determination of this appeal. The main parties have been given the opportunity to comment on the implications of this change in the policy context and the appellants have confirmed that they do not wish to comment further¹. My approach is thus without prejudice to either party's case.

Main Issue

5. The main issue is the effect of the canopy valance on the character and appearance of the locally listed host property and the Reigate Town Centre Conservation Area.

Reasons

6. The host property is within the Reigate Town Centre Conservation Area (RTCCA). The RTCCA comprises the historic centre of the town encompassing a number of historic buildings and characterised by buildings of mixed

¹ E-mail dated 7 July 2020

architectural styles and ages, principally in commercial use. Bell Street has a range of buildings dating from the 16th to the mid-20th centuries. I observed during my site visit that the shopfronts are predominantly unadorned with blinds, awnings or canopies.

7. In accordance with the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 184 of the National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework sets out that, when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and paragraph 194 requires clear and convincing justification for any harm to the significance of a designated heritage asset.
8. No. 27 Bell Street (No. 27) is a distinctive three-storey mid-19th century building with three prominent gables to the front elevation. It is an attractive building that makes a positive contribution to the character and appearance of the RTCCA and has been 'locally listed' by the Council as a building of local architectural or historic interest.
9. The canopy valance has been installed on the frontage of a restaurant that occupies two-thirds of the ground floor of No. 27, with the other third occupied by a separate business. Although the building remains largely unaltered at first and second-floor level so that its original symmetry is apparent above the ground floor, the subdivision of the ground floor with two separate styles of shopfront has disrupted the symmetry at this level. Nevertheless, the muted colours of the two shopfronts and fascia signage mitigate this disruption such that it is not prominent in views along Bell Street.
10. However, the canopy valance is a bright orange that draws the eye because of its colour and slight projection from the front elevation of the restaurant. Whilst it does not significantly obscure the shopfront or disrupt the appearance or symmetry of the upper floors of No. 27, it draws attention to and emphasises the division of the ground floor of the building. It therefore detracts from the appreciation of the symmetry of the building as a whole. Moreover, the canopy is markedly at variance with the muted tones and character of No. 27. Consequently, it detracts from the character and appearance of the building and diminishes its contribution to the character and appearance of the RTCCA.
11. The appellant draws my attention to other brightly coloured fascia signs along this section of Bell Street, which I observed during my site visit. However, I noted that none were as discordant as the canopy valance, that they are on plainer buildings and that they relate better to the upper floors of their buildings than the valance before me. The valance is thus an uncharacteristic element in the street scene and it detracts from the more traditional character of the RTCCA.
12. I therefore conclude that the canopy valance, due to its strident colour and positioning on the host building, is harmful to both the character and appearance of the building and of the RTCCA. It therefore fails to either preserve or enhance the character or the appearance of the RTCCA. The

development is therefore contrary to Policy CS4 of the RBCS, which requires development to respect, conserve and enhance the historic environment, including heritage assets.

13. The development also conflicts with Policy DES1 of the DMP, which sets out that all new development will be expected to be of high-quality design that makes a positive contribution to the character and appearance of its surroundings. It also fails to comply with Policy NHE9 of the DMP, which requires development to protect, preserve and wherever possible enhance, the Borough's designated and non-designated heritage assets. The valance also does not fully accord with the Reigate Shopfront Design Guide Supplementary Planning Guidance which discourages the use of lurid colours on shopfronts.
14. With regard to paragraph 196 of the Framework, the harm to the RTCCA is less than substantial and should be weighed against the public benefits of the development. In this case I find no public benefits of the canopy valance that outweigh this harm. The development is therefore contrary to paragraphs 184, 193 and, in the absence of clear and convincing justification for the harm, 194 of the Framework.

Conclusion

15. For the reasons given above and having had regard to my duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, the appeal is dismissed.

Martin Small

INSPECTOR