



Appeal Decisions

Site visit made on 13 July 2020

by Kenneth Stone BSC Hons DipTP MRTPI

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

Decision date: 24th July 2020

Appeal A: APP/L5810/W/19/3241505

Bills Restaurant 1-3 Hill Rise Richmond TW10 6UQ

- 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 the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1710/FUL, dated 29 May 2019, was refused by notice dated 4 September 2019.
 - The development proposed is replace awnings with fixed canopies on the Bridge Street Elevation. Paint part of shopfront in grey green (RAL 7033).
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Appeal B: APP/L5810/Y/19/3241755

Bills Restaurant 1-3 Hill Rise Richmond TW10 6UQ

- 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 Bills Restaurants Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1711/LBC, dated 29 May 2019, was refused by notice dated 4 September 2019.
 - The works proposed are to replace awnings with fixed canopies on the Bridge Street elevation. Replacement projecting signs, new fascia signs and painted signs on bay window and south west facing wall. Vinyl signs on entrance doors. Paint part of shopfront in grey green (RAL 7033).
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Appeal C: APP/L5810/H/19/3239667

Bills Restaurant 1-3 Hill Rise Richmond TW10 6UQ

- 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 Bills Restaurants Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1716/ADV, dated 30 May 2019, was refused by notice dated 4 September 2019.
 - The advertisements proposed are replacement illuminated projecting signs (one on the Hill Rise elevation and one on the Bridge Street elevation), replacement illuminated Halo fascia signs (Hill Rise and Bridge Street elevations) and painted sign on south west facing wall.
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Decisions

Appeal A

1. The appeal be dismissed.

Appeal B

2. The appeal be dismissed.

Appeal C

3. The appeal be dismissed.

Procedural matters

4. The proposals seek planning permission, listed building consent and advertisement consent for the installation of fixed canopies and various advertisements. The building the subject of the proposals is a Grade II Listed Building and sits within the Richmond Hill Conservation Area (RHCA). There are also other listed buildings close by.
5. I have therefore had special regard to my statutory duties under sections 16(2), 66(1) and 72(1) under the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to these decisions where appropriate. In respect of the advertisement appeal I have had regard to Regulation 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (The Regulations) and exercised my powers in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors.
6. In Appeal A I have used the Council's amended description of development as this more correctly identifies those matters that are development and excludes the advertisements which were referenced in the description in the application form as it was a single application form for planning permission and listed building consent (LBC).
7. In Appeal C I have used the description of advertisements from the application form as that was the description put forward by the applicant but it is evident from the form and supporting statement that the advertisements also include a painted sign on the lower section of the front bay window at the south western end of the building, which is also included in the LBC description.
8. At the time of my site visit the orange fixed canopies were in place as were a number of the signs. The projecting hanging sign on the Bridge Street Elevation was however located between the two main windows at first floor level within the central painted section and not at the corner of Bridge Street as depicted on the plan. The painted sign on the front of the bay window was also not in place. I have however considered the proposals on the basis of the plans and details within the applications.
9. I have also had regard to the approval of listed building consent under local authority reference number 19/2841/LBC for replacement projecting signs and new fascia signs, vinyl signs on entrance doors and painting part of shopfront in grey green (RAL 7033). This covers a number of the elements before me.

Main Issues

10. The main issues are, in respect of appeals A and B:
 - a) Whether the proposal would preserve the grade II listed building known as 1-3 Hill Rise (listed as Christies 1 Hill Rise) Richmond or its setting or any features of special architectural or historic interest which it possesses.
11. In addition, in respect of Appeal A only:

- b) The effect of the proposed development on the character and appearance of the RHCA and on the setting of nearby listed buildings.

12. Further, in respect of Appeal C only:

- c) The effect of the proposed development on the visual amenity of the surrounding area.

Reasons

Listed building

13. The appeals relate to a building located at the junction of Hill Rise and Bridge Street. The building is a three storey, with additional dormers, C18 building which has been altered in the early to mid C19. The ground floor has rusticated stucco. A C19 alteration provides for a projecting extension on the Bridge Street elevation providing an articulated entrance feature. The building has been extended to the south with a bay fronted extension which the list description notes of no interest.
14. The significance of the building derives from its age and architectural detailing and composition and is listed in terms also of its group value with 3-17 Hill Rise which is also Grade II listed.
15. The replacement fixed canopies with their bright orange colour and semi circular shape provide a significant contrast against the more detailed lines and subdued more natural colours of the building. In my view this contrast draws greater attention to the awnings and detracts from the appreciation of the building and is harmful.
16. The canopies are located at the window head level above the ground floor windows and doors and obscure architectural features. Albeit that the works associated with the canopies are reversible whilst they are in place they are permanent and not retractable. They therefore obscure and reduce the appreciation of the architectural quality of the elevation and its detailing. The fact they are reversible may mitigate the harm to some degree but it is not removed and harm therefore results from the attachment of the awnings to the building. The appellant points to a 1990's photo of Hill Rise to suggest that there was evidence that such canopies have previously been on adjacent buildings there is, however, no explanation of how long these were in place, whether they had consent, or any context around them. They do not provide justification for the canopies on this building. For this reason I also conclude that the canopies are harmful.
17. A recent Local Planning Authority decision on 19/1711/LBC granted listed building consent for various aspects which are also covered in this appeal. I agree that this establishes that the Council has no issues with the projecting signs, fascia signs (other than that above the main entrance door) and the painting of part of the elevation. These are in my view relatively discrete alterations and additions and I agree that they do not harm and thereby preserve the listed building.
18. The remaining signs the subject of these proposals and which are contended matters are the fascia sign above the front door and the painted sign on the end elevation of the southern extension to the building.

19. The fascia sign is formed of painted background aluminium plate with the company logo overlaid. The Council are concerned with the nature of the material and provide examples of painted aluminium signage that retains a metallic or reflective finish. The signage the subject of this appeal is of a colour to match the painted façade and does not appear to have these attributes I am not therefore convinced that the material is necessarily inappropriate. I do however note that the sign, given its dimensions, would obscure part of the cornice detail of the forward projecting front extension on the main listed building. As well as impairing views of the architectural feature it would mean that the symmetry of the entrance feature was diluted. These are matters which would detract from the appearance and architectural quality of the elevation and thereby harm the listed building.
20. The other sign that is subject of contention is the painted sign on the end elevation of the extension. Whilst I accept that this section of the building is identified in the listing as of 'no interest'. It is part of the listed building and affects the setting and appreciation of the building. When viewed from the south the advert would hold a prominent and elevated position on a secondary elevation with few architectural details. The lack of detail provides for a simple elevation which does not compete or draw attention. The sign in its elevated position would distract and draw attention to this elevation and provide for unnecessary additional advertisement on the building. I therefore conclude that it would result in harm to the listed building.
21. There is a low-level painted wall sign on the bay window at the southern end of the building. This is not highlighted in the reason for refusal. This sign adds further clutter to the advertisements on the building. It is seen directly in the context of the main elevation and is at a low level below the level of expected signs at fascia level or hanging signs as would be expected in the Council's guidance and would appear an oddity in the street. It is small in nature and is on that part of the building that is identified in the listing as of 'no interest'. Overall it is an element that would appear out of place and further diminish the quality of the elevation of the listed building.
22. Individually and in combination I conclude that the harm to the listed building from the canopies and advertisements would be less than substantial.

Conservation area

23. The RHCA derives its significance from the fact it is a distinctive and defined area that contains a variety of building types and mix of uses. Whilst the area can be divided into distinct character areas the whole conservation area is unified by its relationship to Richmond Hill. The location around the appeal site provides an important C18 and C19 townscape integrated within a wider landscape of the hill and river banks.
24. The appeal site is an important listed building within the conservation area and around which are a number of other listed buildings, including Richmond Bridge, Milestone Obelisk, 3-17 Hill Rise and 10, 11 and 12 Bridge Street. The contribution the building makes to the setting of the adjacent buildings to create the townscape is important and therefore harm to the building and reduction in its contribution also negatively impacts on the conservation area.
25. The particularly strident colours and form of the fixed canopies ensure that they are a prominent feature that draws attention and distracts from the

cohesive elements of the surroundings including through the use of complementary, materials and muted tones and colours.

26. I am satisfied that the proposal would result in harm to the appearance of the conservation area which would therefore not be preserved. The appeal building is within the setting of nearby listed buildings and it is in the context of the group value that together they combine to produce a townscape that the harm results.

Advertisements

27. There are no issues raised with regard to public safety and nothing before me leads me to conclude that there would be any issues in this regard.
28. Similarly, I am satisfied that there are no matters related to aural amenity. The main focus is therefore on the effect on visual amenity. Regulation 3(2) of The Regulations states that factors relevant to amenity include: the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. This therefore includes the listed building on which the adverts would be displayed, the listed buildings in the surrounding area and the conservation area.
29. I have concluded that certain of the advertisements the subject of this appeal would detract from the listed building which would not be preserved. I have furthermore concluded that given the contribution the building makes to the conservation area there would also be harm to the appearance of the conservation area. Both of these are matters that relate to visual amenity, there would therefore, by consequence, be harm to the visual amenity of the area.

Overall conclusions

30. The harm to the listed building resultant from the fixed canopies and the erection of the advertisements would be less than substantial. I have not been provided with any public benefits that would weigh against this harm such that would outweigh it.
31. The proposal would result in material harm to the listed building and the appearance of the area it would thereby conflict with the development plan and in particular policies LP1 and LP3 which relate to quality of design and the protection of heritage assets. There are no material considerations that would indicate a decision otherwise than in accordance with the development plan would be appropriate.
32. In the context of the advertisement appeal whilst I have had regard to the development plan policies they have not been determinative and the advertisements are harmful to the amenity of the area such that my decision is in accordance with Reg 3 of the Regulations.
33. I conclude that the planning and listed building appeals should be dismissed and that the display of the advertisements would be detrimental to the interests of amenity and should therefore also be dismissed.

Kenneth Stone

INSPECTOR