
Appeal Decisions

Site visit made on 20 July 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal A Ref: APP/G3110/W/20/3248302

4-5 Queen Street, Oxford OX1 1EJ

- 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 Metro Bank Plc against the decision of Oxford City Council.
 - The application Ref 19/02896/FUL, dated 6 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is for the installation of 1 no. ATM and alterations to 1 no. existing ATM.
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Appeal B Ref: APP/G3110/H/20/3248303

4-5 Queen Street, Oxford OX1 1EJ

- 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 Metro Bank Plc against the decision of Oxford City Council.
 - The application Ref 19/02897/ADV, dated 6 November 2019, was refused by notice dated 8 January 2020.
 - The advertisement proposed is for the display of advertisements.
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Decision

1. Appeal A is allowed, and planning permission granted for the installation of 1 no. ATM and alterations to 1 no. existing ATM at 4-5 Queen Street, Oxford OX1 1EJ in accordance with the terms of the application 19/02896/FUL dated 6 November 2019, and associated plans and the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ES0.0.1, A3.0 and ES0.0.
 - 3) The materials to be used in the proposed development shall be as specified in the application hereby approved.
2. Appeal B is dismissed, and express consent is refused insofar as it relates to the blade sign [No.4] and the pin mounted sign over the doorway [No.1].
3. Appeal B is allowed in so far as it relates to the two pin mounted signs [No.3] and the ATM signage [No.2]. Express consent is therefore granted for their display at 4-5 Queen Street, Oxford OX1 1EJ in accordance with the terms of the application ref 19/02897/ADV, dated 6 November 2019, and the plans submitted with it, so far as relevant to that part of the advertisement consent hereby consented. The consent is for five years from the date of this decision

and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The fascia signs hereby permitted shall be displayed subject to the maximum luminance of 250 candelas per square metre.
- 2) The ATM signs hereby permitted shall be displayed subject to the maximum luminance of 200 candelas per square metre.

Procedural matters

4. The address given in the application form for Appeal B is slightly different to the appeal form and those details provided in regard to Appeal A. I have used the address of 4-5 Queen Street for clarity.
5. The description of development requiring planning permission was changed by the Council to include reference to the upgrading of the existing ATM during the application process. The appellant has indicated at section E on the appeal form that the description has not altered but has used the revised description, nonetheless. I shall use the amended description as this more accurately describes the proposal.
6. The Oxford Local Plan 2036 (LP) was recently adopted. Policies referred to in the Council's Decision Notice, in regard to the 2005 Oxford Local Plan and the Oxford Core Strategy, have been replaced with similar policies within the LP. I will take this into account, which I do not consider would cause prejudice to any party.

Main Issues

7. The main issues are:
 - whether the proposed development would preserve or enhance the character and appearance of the Oxford Central Conservation Area (CA) and the nearby listed buildings, and
 - the effect of the proposed advertisements and their type and intensity of illumination on the visual amenity of the area.

Reasons

Character and appearance

8. Queen Street is a pedestrianised highway within Oxford's primary shopping area. The street consists of commercial units with associated uses above. Although in various types of commercial use, the street generally has a well ordered and coordinated appearance with good quality shop fronts and ordered signage zones. The appeal building stands ahead of the neighbouring building of 121 St Aldate's by around one metre. The corner of the building is therefore a relatively prominent feature looking southeast along Queen Street. The appeal site consists of a modern shopfront within a recently completed well designed building. The shopfront consists of three openings, with stone clad pillars and a stone clad façade above. The shopfront includes one discrete fascia sign above the doorway. The site makes a positive contribution to the character and appearance of the area.

9. My statutory duty¹, requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The significance of the CA derives from its large number of listed buildings and its cultural and historical importance that spans over a thousand years. The commercial area sits in this historical context. It provides conventional high street services and facilities within this setting. Taking the existing setting into account the proposal would have a limited impact on site or the wider area. Furthermore, the frontage itself is a modern component in the streetscene and accordingly a second ATM would not seem out of place.
10. I also have a statutory duty² to have special regard to the desirability to preserve the setting of a listed building. The identified nearby listed buildings consist of Carfax Tower and Tower House, which are both Grade II listed. Carfax Tower is the remaining part of the Church of St Martin Carfax. It is significant due to its historical and architectural interest that also includes a decorative clock. It acts as an important local landmark being at a terminus to the high street. Tower House is adjacent to Carfax Tower, its significance derives from its fine detailing, including leaded lattice windows and having a strong presence on the high street. Although the appeal site is within the setting of these listed buildings, it is across a relatively wide and busy thoroughfare. Consequently, the impact of the proposal would result in a negligible change to the shopfront. Accordingly, the setting of these listed buildings would be preserved.
11. The proposal consists of the upgrading of the existing Automated Teller Machine (ATM) and the installation of a second. The proposal would result in the appearance of matching ATM's within the window zones either side of the doorway. These would retain the majority of their window panels. They would not be especially bulky. They would add features that balance each other and the appearance of the front elevation of the bank. Furthermore, when on site I observed other local examples of banks and building societies with two ATM's within their frontages. These have added interest to the street scape without creating a demonstrable detriment to the character of the area.
12. Consequently, I am satisfied that the proposal would have a limited impact on the street scene. I am also unconvinced of the Council's argument, with respect to an unproven need for the ATM, is well founded. As such, the proposal would preserve the character and appearance of the conservation area and preserve the setting of the local identified heritage assets.
13. Accordingly, the proposal would comply with policies DH1, DH3 and DH6 of the LP. These seek development to enhance local distinctiveness, to respect Oxford's unique historic environment and for design to respond positively to the character of existing buildings.

¹ section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

² section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

Visual amenity

14. Commercial units in the area included various styles of shopfronts and signage to denote services being offered. Although, I visited in the daytime the signage within the area appeared to include various forms of internal and external illumination. Overall, the signage and methods of shopfront illumination was seen to be largely reserved and subdued.
15. The proposal relates to six advertisements. These are grouped in common types and have been numbered within the appellant's evidence. Therefore, purely for convenience I shall adopt this reference system.
16. The blade sign [No.4] would be mounted on the corner of the building. This would project a significant and exaggerated distance from the front elevation of 121 St Aldate's, due to the appeal building standing forward of its neighbour. Subsequently, this would be an overt and harmful addition to the frontage due to its height and prominence. Also, being internally illuminated it would be a wide and bulky feature. Such a feature would not reflect the nature of the majority of subdued signage in the immediate area. The central fascia sign [No 1] would be outside of the informal signage zone on the front elevation formed by the space above the transom of the windows. By locating a sign above the height of the windows this would intrude into the stone clad façade and clutter the front elevation. These advertisements would be obtrusive in the local historical setting. Accordingly, these would be harmful to the visual amenity of the area.
17. In contrast, the two pin mounted signs [No.3] and the ATM signage [No.2] would be comparatively discrete additions to the frontage in addition to the existing sign. The proposal to lower the transom to incorporate the proposed signage would not in itself materially harm the positive design of the shopfront. Subsequently, these would be in keeping with local examples of signage and would not in themselves have a detrimental impact on the visual amenity of the area.
18. Turning to matters of illumination, the proposed signage would consist of internally illuminated static luminance. The proposed level of luminance would be a bright and harmful addition to the streetscene. However, the Council has identified that a reduced level would be in keeping with the previously approved advertisement on site. The reduced level of luminance would be appropriate in the local context and would have a negligible effect on the visual amenity of the area.
19. Consequently, the proposed pin mounted signs [No.3] and ATM surrounds [No.2] would accord with paragraph 132 of the Framework, requiring advertisements to not be harmful to the amenity of an area. In accordance with the Regulations, I have also taken into account the provision of the development plan so far as it is material. Subsequently, these signs would accord with policy DH6 of the LP, which supports advertisements that would not be detrimental to assets with heritage significance or to visual amenity.
20. Whereas, the central pin mounted sign [No.1] and blade sign [No.4] would be contrary to the objectives of the Framework being harmful to the amenity of the area. These would also fail to meet policy DH6 of the LP.

Conditions

21. I have considered the use of conditions in line with the PPG. This advises that conditions should be kept to a minimum. These should only be used where they pass the 6 tests as set out by paragraph 55 of the Framework.
22. For the element seeking planning permission I have not included the Council's forth condition as this would duplicate one found on the advertisement proposal and is unnecessary. I have required the ATM's to be constructed in accordance with the proposed materials in the interests of the character and appearance of the area. For the advertisement proposal I have not included condition 3 as this is addressed by the five standard conditions of Schedule 2 of the Regulations and is therefore unnecessary.
23. Furthermore, the appellants agree to reduce the proposed illumination level from 540 candela per square metre (cd/m²) to accord with the previously approved advertisements at the property. I am satisfied that at this lower level, the allowed advertisements would create a level of luminance that would accord with established light levels in the area. I have therefore applied two conditions to satisfy this objective.

Conclusion

24. For the reasons set out above Appeal A is allowed and planning permission granted.
25. Furthermore, Appeal B is a split decision, dismissing the appeal insofar as it relates to advertisement signs No's 1 and 4, but allowing the appeal insofar as it relates to the other signage proposed as part of the appeal scheme. In doing so I have attached two non-standard and the five standard conditions set out in the regulations.

Ben Plenty

INSPECTOR