The Planning Inspectorate

Appeal Decisions

Site visit made on 2 September 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2020

Appeal A: APP/T0355/Y/20/3249679
Gourmet Burger Kitchen, Unit 60 and 61, Windsor Royal Station, Jubilee Arch, Windsor SL4 1PJ

- 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 GBK against the decision of Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 19/03212, dated 19 November 2019, was refused by notice dated 29 January 2020.
- The works proposed are to change the colour of fascia and hanging sign on a unit within a listed building to their corporate yellow and black signage.

Appeal B: APP/T0355/H/20/3249682
Gourmet Burger Kitchen, Unit 60 and 61, Windsor Royal Station, Jubilee Arch, Windsor SL4 1PJ

- 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 GBK against the decision of Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 19/03232, dated 19 November 2019, was refused by notice dated 29 January 2020.
- The advertisement proposed is Consent to display 3 x non illuminated fascia text and 2 x eternally illuminated hanging signs. Retention of 2 x existing vertical banners and retention of 2 x freestanding windbreaks.

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. That part of the appeal that relates to consent to display 3 x non illuminated fascia text and 2 x eternally illuminated hanging signs is dismissed. That part of the appeal that relates to retention of 2 x existing vertical banners and retention of 2 x freestanding windbreaks as applied for is allowed and express consent granted for their display. 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 additional condition: -

   1) The illuminated signs shall be designed in accordance with the Local Planning Authority's requirements and in accordance with the Guidance

Notes for the Reduction of Obtrusive Light issued by the Institution of Lighting Engineers, 2005.

Procedural and Preliminary Matters

3. I have taken the address for the site from the Appeal Form as this more accurately reflects the location of the site.

4. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeal was lodged by Mr Ed Hiley (Gourmet Burger Kitchen). The applicant subsequently provided clarification in writing that they are the same person. Nevertheless, as the appeal cannot technically be transferred to another person, it must continue in the original name of the applicant. I have therefore considered the appeal on this basis.

5. There are currently two freestanding windbreaks outside the appeal building at ground level and two double-sided non-illuminated vertical banners displayed above the appeal building, all of which feature yellow text on a black background. These were granted consent by the Council[1] alongside the two existing externally illuminated black and white diamond hanging signs and three existing non-illuminated fascia signs, which feature white text on dark brown backgrounds. The proposed scheme of signage detailed in Appeal B includes for the retention of the vertical banners and freestanding windbreaks previously granted advertisement and listed building consent by the Council.

6. The remainder of both appeal schemes are directed at changing the colour of the existing white text of the fascia signs and background of the diamond hanging signs to yellow, as utilised in the other advertisements at the appeal building. Therefore, in the interests of clarity and conciseness, I will deal with some aspects of each appeal together in my reasoning.

7. As a listed building appeal, Appeal A is not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, it does not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. The policies referred to by the Council are therefore material considerations only. Similarly, in respect of Appeal B, the policy in paragraphs 192-196 of the National Planning Policy Framework (the Framework) does not need to be considered when determining advertisement consent appeals within a conservation area or in relation to a listed building, as the policy only applies to the heritage-related consent regimes under the Act.

Main Issues

8. The main issue for Appeal A is whether the proposal would preserve a Grade II listed building, known as 'Windsor and Eton Central Station'.

9. The main issues for Appeal B are the effect of the proposed fascia and hanging advertisement signs and the retained freestanding windbreak and vertical banner advertisement signs on the amenity of the area, with particular regard to the building's listed status and the extent to which the character or

[1] Planning References: 18/03676/LBC and 18/03674/ADV.

appearance of the Windsor Town Centre Conservation Area would be preserved or enhanced.

Reasons

Significance – both appeals

10. Windsor and Eton Central Station was first constructed in the mid-19th Century but remodelled in the later part of the century, including a new royal waiting room, to mark Queen Victoria's Diamond Jubilee. The Station is Grade II listed and situated within the Windsor Town Centre Conservation Area (CA). Its entrance from Thames Street is grand, with a Dutch gable over the concourse, and a large segmented, arched and glazed roof which spans over units beneath. The main station building sits behind two and three storey red brick buildings, the first floor of which meets the glazed roof of the Station terminus.

11. The Station is much altered following the closure of three platforms and now incorporates the Windsor Royal Shopping Centre, with a large proportion of retail and dining units. Moreover, the appeal building[2] is part of a sequence of partially freestanding units positioned inside and beneath the roof of the terminus. The units incorporate large glazed shop windows, with smaller windows at the side and a small stall risers below. Above the windows are chamfered fascia boards with projecting trims to the top and bottom, which curve at their outer edges, where they meet the large painted and articulated steel columns that, together with steel bracings, support the roof structure above. The internal roof structure is decorated with a hanging white painted scalloped trim.

12. The colour schemes of the units and their signage are primarily subdued and more historic in their tone. Branded signage is kept to a minimum through the use of hanging and banner signs. The uses of the units therefore maintain their individual identity but clearly remain part of the overall historic structure of the Station. In particular, the appeal building occupies two units which are situated to either side of a full-height glazed entrance within the Station concourse.

13. Despite its change in focus to accommodate retailing and dining, the railway still operates and the 19th century character of the Station is well preserved. Its significance today therefore lies in its architectural and historic interest, as a noteworthy example of railway architecture that played a key role in the development of Windsor and its association with the royal family, particularly Queen Victoria. In particular, the original ornate architectural design and unified appearance of the concourse structures, including the approach to signage, but also the quality of the spaces within the Station, which provide a focus for tourists and other consumers alike.

14. The CA covers an area encompassing a significant proportion of the town centre, but most notably includes Windsor Castle, which dominates due to its scale and prominent position on higher ground. The Castle therefore makes a telling contribution to the significance of the CA. However, its significance is also derived from the rich legacy of historic structures, particularly the consistent quality of the Georgian, Victorian and some medieval timber framed buildings. Together with the River Thames, these buildings and the uses therein contribute to the diversity, character and history of Windsor. The

[2] Units 60-61.

Station and the diverse range of uses therein represents such an example and thus makes a positive contribution to the character and appearance of the CA. Moreover, it is noted in the Windsor Town Centre Conservation Area Appraisal[3] (CAA) as a 'central node for the town'. Furthermore, although there are a variety of approaches to advertisements within the CA, particularly to more recent developments to the west and southwest of the area. For the most part, shopfronts and signage remain largely sympathetic with and do not appear to detract from the historic qualities of the CA, particularly in respect of their presence and visibility within the streets and spaces therein. The appeal building represents such an example and thus makes a positive contribution to the amenity of the area, which includes the listed building and the character and appearance of the CA.

Effect of the proposed diamond hanging and fascia signs – both appeals

15. Factors relevant to amenity can include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest[4].

16. I accept that the appeal building is within a commercial part of the town but its historic importance, reflected in its conservation area designation, requires a careful approach to signage, particularly where listed buildings are also involved. With this in mind, the colour scheme of the proposed signage would be more garish, overbearing and visually prominent in contrast to the muted signage found elsewhere on fascia boards and hanging signs within the Station, as an important transport node for visitors to the town. The proposed diamond hanging and fascia signs would therefore unnecessarily disrupt the façade of the appeal building and appear as dominant features, which would be harmful to the appearance of the listed building, and thereby its understanding and significance as a heritage asset. For similar reasons, the harm to the listed building would also equate to harm to the amenity of the area.

17. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Although the proposed signs would not impact on the most sensitive part of the CA, around Windsor Castle, they would be highly visible in a prominent location within a public area of the Station. These elements of the proposals would therefore have a detrimental effect on the character and appearance of the CA and would not preserve its significance as a heritage asset, which would therefore equate to harm to the amenity of the area.

18. There is clearly a noticeable difference in the appearance of the existing signage on the appeal building, due to their colour. Nevertheless, for the reasons outlined above, I am not convinced that it would be appropriate to harmonise the colour of all of the signage on the appeal building to utilise the yellow of the appellants' corporate branding. I have also had regard to the other example of branded signage at Caffe Nero and the use of yellow in the shopfront of Joules but I note that the overall colour schemes of both premises are more muted than the proposed signage, as such these would not be comparable with the appeal proposals.

[3] Adopted November 2009.
[4] Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Public benefits and conclusions on the first main issue – Appeal A

19. The statutory duty in Section 16(2) of the Act is a matter of considerable importance and weight. Paragraph 192 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

20. The proposed works would be harmful to the special historic interest of the Grade II listed Station, which would have a negative effect on the significance of the designated heritage asset. In my view the harm that I have identified, would equate to less than substantial harm to the significance of the designated heritage asset. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.

21. I have taken into account that the yellow colour of the fascia lettering is a key component of brand image and identity of the appellants' business. However, there is no convincing evidence before me that the proposed signage is essential for the continued economic viability of the business, or in maintaining the site in beneficial use and maintaining access for the public. Furthermore, the use of yellow text on a black background on the banner and freestanding signs already appears to fulfil the requirement for corporate branding to identifying the appellants' business. Any such benefits which would arise would not therefore outweigh the harm to the designated heritage asset.

22. Given the above, I conclude that the aspects of the proposal concerning the three non-illuminated fascia signs and two externally illuminated hanging signs would fail to preserve the special historic interest of the Grade II listed building. Hence, the proposal fails to satisfy the requirements of section 16(2) of the Act, paragraph 192 of the Framework and Policy LB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (the LP), insofar as relevant. Moreover, Policy LB2 requires special regard to be had to the preservation of listed buildings and listed building consent should only be granted for the alteration of a building where the character of the building will not be adversely affected, both internally and externally.

Conclusions on the proposed diamond hanging and fascia signs – Appeal B

23. In respect of Appeal B, I conclude that the aspects of the appeal proposals concerning the three non-illuminated fascia signs and two externally illuminated hanging signs would harm the amenity of the area, with particular regard to the building's listed status and the character and appearance of the CA. I have taken into account the provisions of Policies ADV1, ADV2, CA2 and LB2 of the LP, so far as they are material, in accordance with the Regulations[5]. I have already referred to Policy LB2 above, but the other policies together seek to ensure that proposals for alterations to existing buildings are of a high design standard, which is sympathetic in terms of materials to the character of

[5] Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

conservation areas and the building upon which advertisements are displayed, or detrimental to amenity, by reason of colour. Given that I have concluded that these aspects of the proposal would harm the amenity of the area, they would conflict with these policies.

The vertical banners and freestanding windbreak signage to be retained – Appeal B

24. In previously granting consent for the two existing vertical banner signs and two freestanding windbreak signs, it is evident that the Council did not find harm with respect to the use of yellow text on a black background. There is nothing before me that would lead me to a different conclusion in respect of the effect of these signs on the significance of either the listed building or the CA. Moreover, the signs are separated from the appeal building itself and adhere to the approach to such signage found elsewhere in the Station, as described above. It has therefore been possible to reconcile the requirements of corporate design within the established context of the Station, particularly the use of bright colours away from fascia boards. I note that the Council did not raise any concerns with respect to these signs.

25. For these reasons, I conclude that the aspects of Appeal B concerning the two existing vertical banners and two freestanding windbreaks will not be harmful to the amenity of the area, with particular regard to the building's listed status and the character and appearance of the CA. I have taken into account the provisions of Policies ADV1, ADV2, CA2 and LB2 of the LP, so far as they are material, in accordance with the Regulations. Given that I have concluded that these aspects of the proposal will not harm the amenity of the area, they accord with these policies.

Conditions

26. I have specified in the decision that, in terms of the two existing vertical banners and two freestanding windbreaks, I have included reference to the standard conditions as required by the Regulations[6] and, for matters of consistency, I have also attached the same condition previously imposed by the Council on the 2018 advertisement consent in respect of the method of illumination for the hanging signs already displayed on the appeal building. This would ensure consistency between the conditions, including in relation to compliance.

Overall Conclusions

27. For the reasons given above, I conclude that Appeal A should be dismissed.

28. For the reasons given above, I conclude that Appeal B should be allowed insofar as it relates to the two existing vertical banners and two freestanding windbreaks, but dismissed insofar as it relates to the proposed three non-illuminated fascia signs and two externally illuminated hanging signs.

Paul Thompson

INSPECTOR

[6] Regulation 14(a) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.