



Appeal Decision

Site visit made on 15 September 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/W4515/Y/20/3251796

1 Northumberland Place, North Shields, NE30 1QP

- 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 Mr Michael Anthony Winter, The Two Pennies Café & Bar against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref: 20/00037/LBC, dated 13 January 2020, was refused by notice dated 2 April 2020.
 - The works proposed are described as 'we have placed 2 signs advertising our business in the exact location of the previous business owners signs. We have received a letter from NTC advising that the signs are illegal as the previous owners did not seek planning permission for the signs and someone has reported us for our signs. We have actually reused the previous owners signs and original fitting boards. The signs are the same size and have been changed to our logos and the fascia of the building has not been changed in any way. I believe the signs have been on the building for over 4 years so in my understanding is that no retrospective action should be taken and the signs should be allowed to remain. I have spoken to a person in the planning department, 10/01/2020, who has advised us to submit this application.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the applicant as stated on the application form is Anthony Winter. However, on the appeal form it is stated as Mr Michael Winter. It has been confirmed by the appellant that his name is Mr Michael Anthony Winter and I have used this in the banner heading above.
3. The signs which are the subject of this appeal have already been installed and, as stated on the application form, have been in place since 11 July 2019. Therefore and for the avoidance of doubt, I have determined the appeal on the basis that the works have already occurred, having regard to the plans submitted with the application.
4. Mindful of Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), as listed building consent has not been obtained for the works, they are unauthorised and their undertaking is an offence. Furthermore, there is no time limit stated in the Act within which any enforcement action against unauthorised works must be undertaken.

Main Issue

5. The main issue is whether the works preserve the Grade II listed building, No 1 Northumberland Place, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

6. The appeal building, No 1 Northumberland Place (No 1), is a prominent end of terrace property, located on the corner of Northumberland Place and Church Way and within the Northumberland Square Conservation Area (the CA). The building dates from the early 19th century (with 20th century alterations) and, along with the rest of the terrace, is Grade II listed as part of a group, Nos 1-5 Northumberland Place. The listing description states that Nos 1 and 3 are included partly for group value.
7. No 1 is a two-storey with basement property. It possesses an attractive full height, two-bay, bow-front that is mirrored at the other end of the terrace to create a grand 'palace front'. It is constructed of brick with ashlar dressings, rusticated quoins and a rendered basement with a Welsh slate roof. Originally a house, No 1 is now occupied by three separate businesses including the appellant's company, The Two Pennies Café & Bar, which is situated on the ground floor of the building.
8. From the evidence available to me, I consider the special interest and significance of No 1, to be largely derived from its historical value and aesthetic value as an early-19th century town house which forms an integral element of a designed classical terrace. The building's age, traditional materials and polite architectural form which augments the formal but pleasing unity of the terrace, all make important contributions to its special interest and significance. These aspects of No 1 and the terrace contribute positively to the character and appearance of the CA.

The appeal proposal

9. The appeal proposal comprises two signs. As shown on the elevation drawing¹, Sign No 1 is approximately 1800mm x 600mm, made of plastic composite and positioned above and to the right of the entrance door, offset above the ground floor windows splayed stone lintel and below the first floor stone stringcourse. Sign No 2 is approximately 800mm x 1050mm, made of wood and concrete and positioned centrally between the two ground floor windows on the bow-front just above the ground floor stone stringcourse.

Effect of the appeal proposal

10. The colours of both signs are relatively subtle in relation to the backdrop of the building's elevation and I note the strong links of the company's brand to local history and culture. Nonetheless, the large size, plastic form and awkward offset position of Sign No 1 jars with and detracts from the key architectural features of the wedge stone lintel and stone stringcourse, as well as interrupting the symmetry of the façade. Similarly, the substantial depth, form and unduly prominent position of Sign No 2 on the front curve of the bow-front

¹ Ref: SK-100.

weakens the architectural integrity of this important element of the building and the terrace as a whole. Together, the signs appear as incongruous modern additions which detrimentally alter and incrementally erode the historical and aesthetic values of the building and the terrace.

11. Furthermore, the prominent location of the property causes the signs to be excessively conspicuous on the building and in the street scene when viewed from adjacent public routes, exacerbating their harmful impact.
12. I acknowledge that the signs, as asserted by the appellant, merely re-purposed the signs of the previous tenant which had been in place for over 10 years. However, it appears that the previous signs were also unauthorised and so this does not justify the works or negate the identified harm.
13. Moreover, the presence of other unsympathetic and/or unauthorised signage on the appeal property, the rest of the terrace or other buildings in the area is not, in itself, a reason to allow unacceptable works. I have considered the appeal proposal on its own planning merits, having regard to the specific context of the building and terrace, and found that it causes harm.
14. Taking the above points together, and mindful of the duty arising from Section 16(2) of the Act, I find that the works fail to preserve the Grade II listed building, No 1 Northumberland Place, or any features of special architectural or historic interest which it possesses. In doing so, the works harm the special interest and significance of this designated heritage asset.

Heritage planning balance

15. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
16. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the relatively localised and limited extent of the works, I find the harm to the listed building to be 'less than substantial' in this instance. However, this level of harm should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
17. The appellant declares that under his occupation, this part of the building has been refurbished and put to a viable commercial use which is well known within the area and has contributed to the local economy. He contends that the removal of the signage would potentially damage the building's historic fabric and affect the viability of the business, the success of which guarantees that the building will be preserved, promoted and enhanced in the future.
18. I accept that signage is integral to the success of any commercial business especially for identification purposes. I have no doubt that the continued occupation of this part of the building by the appellant's company would maintain the beneficial use of this listed building and deliver economic benefits

to the local economy. This would make a positive contribution to the economic vitality of the local community and, on that basis, is a public benefit.

19. However, no substantive evidence has been provided that the removal of the existing signs would cause irreparable damage to the historic fabric of the building. Moreover, there is no information before me which confirms that the optimum viable use of this part of the building as a commercial café and bar would be jeopardised or would cease if more sympathetic signage, which would deliver the same subsequent public benefits, was explored and installed.
20. Consequently, in attributing considerable importance and weight to the identified harm to the special interest and significance of No 1, I find that this is not outweighed by the public benefits of the proposal.
21. Given the above and in the absence of sufficient public benefits that outweigh the harm found, I conclude that the works fail to preserve the Grade II listed building, No 1 Northumberland Place, or any features of special architectural or historic interest which it possesses. As such, the proposal is contrary to the requirements of Section 16(2) of the Act and Paragraphs 192, 193 and 194 of the Framework.
22. Although the Council makes no reference in its reason for refusal to the effect of the works on the character and appearance of the CA, I am mindful that, as a statutory consideration, I am required to have regard to this matter when determining the appeal. The special interest and significance of the CA is largely derived from a combination of the preservation of its historic street pattern and formal square, along with the architectural coherence of its grand buildings and harmonious terraces dating from the late Georgian and Victorian periods. These positively contribute to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.
23. Having regard to the prominence of No 1 and the terrace as well as the details of the signs, I consider that the harm to the listed building which I have set out above, also detracts from the high quality of the CA. Whilst the magnitude of this harm is modest and certainly less than substantial, in the context of the CA as a whole, it nevertheless fails to preserve or enhance its identified character and appearance. I consider that the public benefits of the scheme, outlined above, do not outweigh that harm. In this respect, the proposal fails to satisfy the requirements of Section 72(1) of the Act as well as Paragraphs 192, 193 and 194 of the Framework and compounds the harm which I have identified in respect of the listed building.
24. Applications for listed building consent are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore development plan policies do not carry the same weight as when considering planning applications. Nevertheless, I note that the works are contrary to Policies DM6.3, S6.5 and DM6.6 of the North Tyneside Local Plan 2017, insofar as they require that signage is appropriate to its local setting; and that proposals that affect heritage assets sustain, conserve and, where appropriate, enhance their significance, appearance, character and setting.

Other Matter

25. I am aware that no objections to the works were raised by Tyne and Wear Archaeology or by any neighbours. However, these are neutral considerations in the planning balance and do not alter my conclusion on the main issue.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR