



Appeal Decision

Site visit made on 10 July 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

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

Decision date: 12 October 2020

Appeal Ref: APP/P3610/Z/19/3230805
63 Dorking Road, Epsom, KT18 7JU

- 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 Mr Azhar Hashmi against the decision of Epsom and Ewell Borough Council.
 - The application Ref 19/00443/ADV, dated 18 April 2019, was refused by notice dated 10 June 2019.
 - The advertisements proposed are identification and information signage relating to bar operation.
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Decision

1. The appeal is dismissed insofar as it relates to the fascia signs to be applied to the parapet and flank walls¹; and the three non-illuminated lockable poster frames to be fixed to the front boundary wall.²
2. The appeal is allowed and express consent is granted for the display of a hanging sign;³ a wall mounted sign to each flank wall;⁴ 2 x wall mounted signs⁵ as applied for. 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.

Preliminary Matters

3. On my site visit, a new signage scheme was in situ which contained elements similar to what was applied for (such as the flank wall signs and hanging sign), however did not contain elements in this proposal as indicated on the proposed plans⁶, such as the poster mounted signs or black banding applied to the parapet and flank walls. I have not been asked to consider any amendments to the current appeal proposal and will make my decision on the basis of the information that has been presented within the appeal.

¹ Signs labelled '1,' '7' and '9' on Plan titled 'Proposed Front & Side Elevations – Showing Proposed Signage Drawing No S-03 Revision C, Dated 28-03-19'

² Sign labelled '8' on Plan titled 'Proposed Front & Side Elevations – Showing Proposed Signage Drawing No S-03 Revision C, Dated 28-03-19'

³ Sign labelled '4' on Plan titled 'Proposed Front & Side Elevations – Showing Proposed Signage Drawing No S-03 Revision C, Dated 28-03-19'

⁴ Signs labelled '2' and '3' on Plan titled 'Proposed Front & Side Elevations – Showing Proposed Signage Drawing No S-03 Revision C, Dated 28-03-19'

⁵ Sign labelled '5' and '6' on Plan titled 'Proposed Front & Side Elevations – Showing Proposed Signage Drawing No S-03 Revision C, Dated 28-03-19'

⁶ Proposed Front & Side Elevations – Showing Proposed Signage Drawing No S-03 Revision C, Dated 28-03-19; and Proposed Signage Details, Drawing No S-04, Revision C, Dated 28-03-19

4. This application is for the erection of various advertisements which are attached to the front and side elevations of a Grade II listed building. Consent was sought under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 only. It is understood that no application for listed building consent was received or determined by the Council. For the avoidance of doubt this appeal relates to the advertisement consent only.
5. I am required by the Regulations⁷ to exercise my power in the interests of amenity and public safety. The Council raise no concern in respect of public safety and in this case, the issue of amenity relates to visual effects. Factors relating to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, and cultural interest. This is reflected by paragraph 132 of the National Planning Policy Framework (the Framework) and National Planning Practice Guidance (NPPG).⁸ As stated above, the building is Grade II Listed and as such matters are interrelated in the context of visual amenity and character and appearance, I have therefore dealt with them together. Moreover, I am mindful of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out the need to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

6. The main issue is the effect of the proposed advertisements upon the amenity of the area.

Reasons

7. The appeal site is situated along Dorking Road, a main single-carriageway route between Epsom and Leatherhead. At this point along Dorking Road, the area is largely residential in character on both sides of the street with large detached properties, many of which date from the early to mid-twentieth century. Dwellings typically are set back from the road edge with well vegetated front gardens and a sense of spaciousness in and around dwellings. The only illumination in this area derives from street lighting.
8. The appeal site contains one of the few historic buildings in this location and is a two storey timber framed building with hipped roof which dates from the 17th Century and was re-fronted in a more symmetrical Georgian-like appearance with a parapet in the 19th Century. The building has no setback from the road edge with the main frontage containing a two storey parapet element and single storey extension with flat roof and parapet to the side. The front and both flank elevations of the building have prominence along Dorking Road and has a landmark quality which makes a positive contribution to the amenity of the area.
9. Both parties have presented photographic evidence of the building, the applicant has supplied photographs from the 1970's that shows the parapet on the front and side facades painted black. The Council has also presented photographic evidence of the building during the planning application stage where the last use of the building was a care home. During this use the

⁷ The Town and Country Planning (Control of Advertisements)(England) Regulations 2007

⁸ Paragraph: 079 Reference ID: 18b-079-20140306 Revision date: 06 03 2014

building was entirely devoid of signage, illumination or the black banding across the parapet and side walls.

10. On the issue of the main parapet sign which consists of black banding and white affixed lettering, the Council agree that individually placed lettering of a single colour would be appropriate to the parapet, however disagree with the painting of the parapet to the front and side facades black. The justification by the applicant for the painting of the parapet black appears to be solely because this black banding was in place during the 1970's. Whilst the black banding may have been in place during one stage of the building's life; the appeal documents do not contain any information as to why this black banding is significant in terms of the building's special historic or architectural interest. Put another way, a building over its lifetime may have had a number of alterations; some may have had a positive effect and some may have been detrimental to the building's significance. Evidence that a building has had an alteration in the past does not necessarily demonstrate that it would be appropriate to reinstate without clear and convincing justification, particularly to a building of national special architectural and historic interest.
11. I acknowledge the efforts by the applicant to install lettering which is proportionate to the parapet and also the incorporation of the former name of the public house to reinstate the connection with the historic use of the building. However, without clear and convincing justification as to the significance of the black banding, the painting of the parapet together with further lettering to the flank walls above additional signage would give a stark and cluttered arrangement which would have a discordant appearance to the listed building, causing detriment to its special interest and harm to amenity.
12. With regards to the signage on each flank elevation these consists of two signs to either elevation which consists of a rectangular sign below the parapet next to the first floor windows and lettering applied to the parapet. Whilst the single rectangular sign to either flank elevation beside the first floor window would appear to be appropriate, the additional lettering to the parapet causes an excess of visual clutter which is detrimental to the amenity of the area.
13. The hanging sign to the centre of the façade fronting Dorking Road is a typically expected type of signage for a building such as this, and therefore this sign would be appropriate. There is also a proposed sign to be located on the south-west elevation advertising of the parking restrictions, terms and hours of operation, and a sign within the parking area. These signs would be of a sufficient colouring, design and location which is appropriate.
14. The placement of 3 poster boards to the front boundary wall with its intended purpose to draw attention, would be a prominent appendage to the front wall and main elevation of the building. I accept that it would not interfere with the architectural detailing of the listed building, as they are located to the front boundary wall to the side of the listed building which has a much simpler treatment. However, the poster adverts would take up much of the wall and its modern appearance would have little relevance to the building's design, form or composition. As such these signs would appear as an overly dominant addition and it would detract from the character and special interest of the listed building and would consequently result in material harm to the amenity of the area.

15. As incongruous additions, I conclude that the signage detailed in paragraph 1 of this Decision Letter would result in harm to the special architectural and historic interest of the Grade II Listed Building and as a consequence result in material harm to the amenity of the area.
16. With regards to the signage detailed in paragraph 2 of this Decision Letter, I conclude that these signs would not result in material harm to the amenity of the area.

Conclusion

17. For the reasons given above, the appeal should be dismissed insofar as it relates to the fascia signs to be applied to the parapet and flank walls; and the three non-illuminated lockable poster frames to be fixed to the front boundary wall as detailed in paragraph 1.
18. With relation to display of a hanging sign; a wall mounted sign to each flank wall; 2 x wall mounted signs as detailed in Paragraph 2 the appeal is allowed. I note that no non-standard conditions have been proposed and I consider that none are necessary.

J Somers

INSPECTOR