



Appeal Decisions

Site Visit made on 14 December 2020

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal A Ref: APP/Y3940/W/20/3256424

Crown Centre, 39 St. Johns Street, DEVIZES SN10 1BL

- 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 Mr Philip O'Shea against the decision of Wiltshire Council.
 - The application Ref 20/01341/FUL, dated 12 February 2020, was refused by notice dated 29 May 2020.
 - The development proposed is Erection of a light to light up the hotel name.
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Appeal B Ref: APP/Y3940/Y/20/3256967

Crown Centre, 39 St. Johns Street, DEVIZES SN10 1BL

- 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 Philip O'Shea against the decision of Wiltshire Council. The application Ref 20/02035/LBC, dated 12 February 2020, was refused by notice dated 29 May 2020.
 - The works proposed are Erection of a light to light up the hotel name.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same proposal under different legislation. I have dealt with both appeals together in my reasoning.
4. The light has already been fitted.

Main Issue

5. The main issue for both appeals is the effect on the significance of the grade II* listed building, known as 39 St John's Street, and whether the proposals preserve or enhance the character and appearance of the Devizes Conservation Area.

Reasons

6. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the

desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

7. The appeal building is a fine late 18th or early 19th century three storey building. The ground floor is faced in ashlar stone with chamfered joints with two broad sash windows either side of a wide entrance door, enhanced by a stone pediment. The openings to the upper floors are of a more vertical proportion, with side opening casements with margin lights to the first floor and 8 over 8 sashes above. The upper storeys are faced with render, framed with pilasters to either side and topped with a moulded cornice and parapet. The whole is slightly offset, but nevertheless results in a fine principal elevation of considerable architectural significance.
8. The building stands within the Devizes Conservation Area (CA), just off of the broad commercial centre of the town. It faces onto a smaller square of banking buildings, which are referred to as a 'fine group' in the appeal building's list description. The CA covers a large area. This includes the centre of the town, which is characterised by a range of high quality 18th and 19th century buildings, of which the appeal building is a good example. These buildings, the broad commercial areas that they frame, as well as the narrower secondary streets, are significant contributors to the character of the CA.
9. The light is fitted above the recently painted hotel name. It sits under the three second floor cills and extends out from the rendered surface to throw light over the lettering. Whilst finished in a colour to match the render it is still a prominent addition to the building, particularly as it stands proud of the flat rendered surface that makes up the majority of the building's upper floors. It clutters this central part of the building, which is noticeably plain, and looks rather clumsy beneath the slightly uneven alignment of the second storey cills. Furthermore, the fitting casts a shadow when the building is in sun, which adds to its harmful impact.
10. Owing to its prominent position on the front of the building the fitting is easily seen from the fine group of buildings to the east. The building is a significant contributor to the character and appearance of this small square, and thus the character and appearance of the CA. The harmful effect of the fitting on the appearance of the host building also extends to the character and appearance of the fine group of buildings that form the square, particularly as the upper façades of the neighbouring buildings are architecturally well composed and generally free of similar modern fittings. Therefore, the proposal fails to preserve the character or appearance of the CA.
11. Although the appellant refers to similar light fittings and inappropriate lighting schemes elsewhere, no specific details are before me. Whilst I identified a small number at my visit, I could see none close to the building. Most fittings on buildings in the area were smaller and more discreetly located.
12. Several small satellite antenna fittings are already attached to the front of the appeal building. The appellant suggests that these were allowed by the Council and should weigh in favour of the proposal. These fittings do clutter the parapet area of the building. However, I do not know the full circumstances of the case that were before the Council when it considered these fittings. Furthermore, these fittings have been added to peripheral areas of the front

façade, unlike the light fitting subject of this appeal which is fitted prominently to a central area. The appellant also refers to a previous rusty light fitting. Whilst its removal may have benefited the appearance of the building it did not occupy the same position or have the same form as the light fitting subject of this appeal. The existence of these other fittings does not therefore alter my findings on the acceptability of the appeal proposal.

13. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The appellant suggests that it is essential for the signage to be illuminated for business viability. The front of the building faces towards Wine Street. As a one way street traffic can only use the street to travel away from the building. Persons approaching the building by car could only travel up or down St John's Street where the front facing sign would not be prominent to view. The business is otherwise advertised by the more prominent hanging sign and an active frontage to the restaurant. Notwithstanding this, there is no information before me to suggest that this is the only way that the lettering can be illuminated. I am therefore not satisfied that the illumination of the lettering in this manner is essential for the viability of the business and accordingly give this matter little weight.
14. The building has been recently repaired and renovated by the appellant. Keeping a listed building in a good state of repair is a public benefit. However, the light fitting cannot be considered a public benefit that formed an essential part of the repair or renovation of the building.
15. The public benefits of the proposal are therefore limited and are not sufficient to outweigh the degree of harm identified.
16. In summary, I find that the proposal fails to meet the requirements of the LBCA as it fails to preserve the architectural interest of the listed building and the character and appearance of the CA. It would be contrary to Policies 57 and 58 of the Wiltshire Core Strategy, which together seek to ensure that development proposals are designed to a high standard, and protect, conserve and where possible enhance the historic environment.

Conclusion

17. For the reasons above, both of the appeals should be dismissed.

A Tucker

INSPECTOR