
Appeal Decisions

Site visit made on 20 November 2020

by Jo Dowling BA(Hons) MPhil MRTPI

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

Decision date: 22nd December 2020

Appeal Ref: APP/W1525/H/20/3256512

The Bell, 126 Main Road, Danbury, Chelmsford CM3 4DT

- 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 Punch against the decision of Chelmsford City Council.
 - The application Ref 20/00274/ADV, dated 20 February 2020, was refused by notice dated 2 July 2020.
 - The advertisement proposed is retention of (a) 2 x new sets of sign writing; (b) 1 x new double sided pictorial with 3D bell, new vinyl text, illuminated by linolites fixed to existing post; (c) 3 x new amenity boards to existing post; (f) 1 x new disclaimer sign with vinyl text; (g) 1 x new lantern and (h) 8 x new LED floodlights.
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Appeal Ref: APP/W1525/Y/20/3257920

The Bell, 126 Main Road, Danbury, Chelmsford CM3 4DT

- 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 Punch against the decision of Chelmsford City Council.
 - The application Ref 20/00271/LBC, dated 20 February 2020, was refused by notice dated 11 May 2020.
 - The works proposed are erection of illuminated and non-illuminated signs to the exterior of the building.
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Decision

Appeal ref: APP/W1525/H/20/3256512 – Advertisement Consent

1. For the reasons that follow, I dismiss the appeal insofar as it relates to (b) 1 x new double-sided pictorial with 3D bell, new vinyl text, illuminated by linolites fixed to existing post, (c) 3 x new amenity boards to existing post and (f) 1 x new disclaimer sign with vinyl text. However, I allow the appeal and express consent is granted for the retention of (a) 2 x new sets of sign writing at The Bell, 126 Main Road, Danbury, Chelmsford CM3 4DT in accordance with the terms of the application Ref 20/00274/ADV, dated 20 February 2020. The consent is for the five years from the date of the decision and is subject to the five standard conditions set out in the Regulations and the following special condition:
 1. Within three months of the date of this decision letter an amended copy of plan 15805-planning elevation AH accurately detailing the signage as installed and hereby approved shall be submitted to and approved in writing by the local planning authority.

Appeal ref: APP/W1525/Y/20/3257920 – Listed Building Consent

2. For the reasons that follow I dismiss the appeal insofar as it relates to (b) 1 x new double-sided pictorial with 3D bell, new vinyl text, illuminated by linolites fixed to existing post, (c) 3 x new amenity boards to existing post, (f) 1 x new disclaimer sign with vinyl text and (h) 8 x new LED floodlights. I allow the appeal however insofar as it relates to the remainder of the application and grant listed building consent for (a) 2 x new sets of sign writing and (g) 1 x new lantern at The Bell, 126 Main Road, Danbury, Chelmsford CM3 4DT in accordance with the terms of the application Ref 20/00271/LBC, dated 20 February 2020 subject to the following conditions:
 1. Within three months of the date of this decision letter an amended copy of plan 15805-planning elevation AH accurately detailing the signage and new lantern as installed hereby approved shall be submitted to and approved in writing by the local planning authority.

Procedural Decisions

3. The Council issued a split decision in which advertisement consent was granted for signs A (2 x new sets of sign writing) and G (1 x new lantern). Listed building consent was however refused for all elements of the scheme. As signs A and G would affect the character of a building of special architectural or historic interest I consider that in accordance with Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) listed building consent would be required for these works and I have therefore considered the listed building appeal on this basis.
4. The application for advertisement consent includes the instillation of a new lantern (G) and 8 new LED floodlights (H). The lantern (G) does not include any lettering or advertising and as such whilst I consider that it would require listed building consent, I do not consider that it would require the benefit of advertisement consent. The floodlights are sited so as to provide general illumination of the front and side elevations rather than to specifically illuminate the signage. As a result, I consider that advertisement consent would not be required for these elements of the scheme but as they do affect the character and appearance of the building, they would require listed building consent. I have therefore considered the appeal on this basis.
5. At the time of my site visit the signs were in place and the lights installed. Furthermore, I observed on site that the signs and lights installed differ from those shown on plan 15805-planning elevation AH in the following ways:
 - Sign C has been installed underneath the new lantern (H) rather than to the side as shown on the submitted plan;
 - Signs B and C have been installed adjacent to the pub rather than on the opposite side of the vehicular entrance as shown on the submitted plan;
 - The lighting and layout of sign B differs from that shown on the plan; and
 - Five LED floodlights have been installed on the front elevation rather than the four shown on the plan.

As the detail of the signage remains the same albeit in different locations, I have therefore considered the appeal on the basis of what has both been installed and what is shown on plan 15805- planning elevation AH.

6. In their statement the Council has referred to the fact that the building has also been redecorated and a burglar alarm has been installed on the front elevation. However, whilst I observed at my site visit that these works have been carried out these matters are not before me as they are not included in the description of works on the application form nor are, they referred to in the decision notice. I have therefore determined the appeal on this basis.

Main Issues

7. The main issues are:

- whether the proposal would preserve a Grade II listed building, The Bell, and any features of architectural or historic interest that it possesses; and
- the effect of the proposed adverts on the character and appearance of the host building and the surrounding area.

Reasons

8. The Bell Public House is a Grade II timber frame and plastered building built in the 17th and 18th Century. The building was re-fronted in brick in the nineteenth century. It is located within the Danbury Conservation Area which appears to cover most of the village centre. The Conservation Area does not appear to have a single visual or architectural identity instead it is characterised by low density development with a distinctly rural feel. Due to its location and use the Bell is a prominent building for visitors entering Danbury from the West.

Sign A – Two sets of sign writing and new lantern (G)

9. I agree with the Council that the externally painted written signs are sympathetic to the appearance of the listed building and as such would not detract from the special architectural and historic interest of the building or the character or appearance of this part of the Danbury Conservation Area.
10. As such this element of the proposal would be in accordance with policies S3 and DM13 of the Chelmsford Local Plan 2013-2036 (the Local Plan) which place great weight on the preservation or enhancement of designated heritage assets and their settings and requires that any harm to such assets be considered against any public benefit arising from the proposed development. Such policies reflect the advice contained within the National Planning Policy Framework (the Framework) which amongst other things seeks to conserve designated heritage assets and requires clear and convincing justification in respect of any harm to or loss of the significance of a designated heritage asset.

Sign B – One new double-sided pictorial with 3D bell, new vinyl text, illuminated by linolites fixed to existing post

11. A new house has recently been constructed in the area to the west of the pub on an area that is shown on the site plan and plan 15805 - planning existing elevation AH as forming the car park and the location for the previous post

sign. As a result, I noted on site that the new sign has been located adjacent to the pub. Whilst this brings the signage closer to the listed building, I agree with the Council that this location is acceptable in heritage terms.

12. The Appellant considers that the new sign itself is a like for like replacement. However, I disagree as not only is it in a different location, but the previous signage was a traditional swinging board whilst the new sign consists of a three-dimensional bell which appears to be made of a golden plastic. The bell that has been installed has a thick and clumsy appearance and lacks the traditional shape and detailing associated with historic bells. Furthermore, the lights as installed have a greater projection than those shown on the submitted plan and are visually prominent. As a consequence, I consider that the sign and lighting as installed appears incongruous and detracts from the character and appearance of this part of the Danbury Conservation Area and given its close proximity to the listed pub is harmful to the setting of the heritage asset.
13. I note that the bell sign and lighting shown on the submitted plans differs from that which has been installed. The bell on this sign would still be three dimensional but would have a more traditional appearance, be of a duller colour and includes features such as beadlines which would provide the definition and detail that the installed bell lacks. However, even though this would provide a more accurate representation of a bell I consider that the provision of a three-dimensional feature sign rather than a traditional painted sign would, given its prominent location, be out of character and harmful to the setting of the heritage asset. The lighting shown on the submitted plans would be more visually discreet than that which has been installed. However, having found the sign unacceptable it would not be appropriate to allow the light.
14. For these reasons I therefore consider both the bell and lighting that has been installed and the bell that is shown on the submitted plans would be harmful to the setting of the listed building and would detract from the character and appearance of this part of the Danbury Conservation Area.

Sign C – three new amenity boards and Sign F – Disclaimer sign

15. The three sign boards which consist of two signboards that have been attached to the post sign and one located adjacent to an entrance door on the front elevation. The disclaimer sign is located on the side elevation. I agree with the Council that whilst the location of these signs differs from that shown on the submitted plans they are acceptable and would not detract from the special architectural and historic interest of the building.
16. I observed on site that the signs as installed are made from grey powder coated aluminium with white lettering. The Appellant contends that the previous signs were aluminium bullnosed signs and as such would represent a like for like replacement. However, I have not been provided with any evidence that this was the case and as the works have been carried out I have been unable to consider the signage against that which was previously installed.
17. I agree with the Council that the current signs provide a flat and uniform appearance and do not reflect the traditional painted timber signage that would reflect the textures and finishes of the host building and its conservation area setting. Whilst I accept that these changes are minor I agree with the Council that they are noticeable and they do not reflect or respect the special

architectural and historic interest of the listed building or the character and appearance of this part of the Danbury Conservation Area

Sign H – Eight new LED floodlights

18. I observed on site that five rather than the four floodlights shown on the submitted plans have been installed on the front elevation. The Applicant has confirmed that this is an error and that they intend to remove the extra light. However, there is no indication as to how this would be secured or when this would be done.
19. The floodlights replaced swan neck metal lights. Whilst I accept that these lights would have projected further out from the building than the replacement floodlights they were less bulky and of a more traditional appearance. On the front and side elevation of the main building the floodlights have been affixed very close to the dog-toothed cornice so that from certain angles the cornice becomes partially obscured. Furthermore, I observed on site that there are multiple cables and junction boxes associated with these lights and whilst these have been painted to match the building I consider that they are still visible and increase the visual clutter particularly on the front elevation.
20. As a consequence, I consider that the floodlights and associated wiring and junction boxes are harmful to the special architectural and historic interest of the listed building and the character and appearance of this part of the Danbury Conservation Area.
21. I therefore consider for the reasons outlined above that signs B, C, F and H are harmful to the special architectural and historic interest of the listed building and its setting and the character and appearance of this part of the Danbury Conservation Area. Albeit that I recognise that the level of harm is less than substantial. There are no public benefits that outweigh the harm to the designated heritage assets and as a result the retention of these signs and lights would be contrary to policies S3 and DM13 of the Local Plan and the Framework.

Conditions

22. With regards to the Advertisement Regulations appeal in addition to the five standard conditions set out in the Regulations and suggested by the Council, in the interests of precision and enforceability I have attached a condition requiring the submission of amended plans that only show the advertisements hereby approved. I have also, for the same reason, attached a similarly worded condition in relation to the Listed Building Consent appeal.

Conclusion

Advertisement Consent

23. Accordingly, for the reasons set out above I consider that the appeal for advertisement consent should be dismissed in relation to (b) 1 x new double-sided pictorial with 3D bell, new vinyl text, illuminated by linolites fixed to existing post, (c) 3 x new amenity boards to existing post and (f) 1 x new disclaimer sign with vinyl text. However, in relation to the retention of (a) 2 x new sets of sign writing, I conclude that subject to the conditions set out above that the appeal should be allowed.

Listed Building Consent

24. For the reasons set out above I consider that the appeal for listed building consent should be dismissed in relation to (b) 1 x new double-sided pictorial with 3D bell, new vinyl text, illuminated by linolites fixed to existing post, (c) 3 x new amenity boards to existing post (f) 1 x new disclaimer sign with vinyl text and (h) 8 x new LED floodlights. However, in relation to retention of (a) 2 x new sets of sign writing and (g) 1 x new lantern , I conclude that subject to the conditions set out above that the appeal should be allowed.

Jo Dowling

INSPECTOR