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# Appeal Decision

Site visit made on 1 February 2023

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 29 March 2023**

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**Appeal Ref: APP/C1760/F/22/3307470**

**Andover Central Club, Clare House, East Street, Andover SP10 1EP**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by the Andover Central Club against a listed building enforcement notice issued by the Borough Council of Test Valley.
  - The enforcement notice was issued on 26 August 2022.
  - The contravention of listed building control alleged in the notice is without listed building consent works to a listed building comprising of the physical attachment of two advertisement signs. The signs are capable of being illuminated. The signs are fixed to the front (East) elevation of the building above the entrance door. The upper sign displays the wording 'The Woodstock Suite'. The lower sign displays the wording 'Andover Central Club'.
  - The requirements of the notice are (i) disconnect and remove the electricity cables serving the two illuminated signs on the front elevation of the building; (ii) remove from the building the halo illuminated sign labelled 'The Woodstock Suite' and also the trough lit sign labelled 'Andover Central Club'; and (iii) sympathetically repair, with matching materials, and damage or holes to the building where these two signs were previously affixed.
  - The period for compliance with these requirements is 2 months.
  - The appeal is made on the grounds set out in section 39(1)(c), and (e).
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## Summary of Decision

1. It is directed that the Listed Building Enforcement Notice (LBEN) be corrected to make the requirements of the notice marry up to the contravention of listed building control alleged. Subject to this correction, the appeal is dismissed and the LBEN is upheld. Listed building consent is refused for the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## Preliminary Matter

2. After carrying out my site visit, I wrote to the Council to seek some clarity on the Notice. The breach of section 9(1) of the Act alleged refers to two illuminated signs that have been attached to the frontage of the building. However, the steps required to be taken includes not only the removal of these signs, but the disconnection and removal of electricity cables serving them. There is no mention in the allegation, or the steps to be taken, of the light fitting that illuminates the lower sign.
3. In response, the Council confirmed that the steps to be taken should include the removal of the signs and any making good only. This would correspond with the works said to be in contravention of section 9(1) of the Act.

4. In that it reduces the steps to be taken to comply with the Notice, that correction can be made without injustice to the appellant. I have proceeded on that basis.

## **Reasons**

### *Ground (c)*

5. For an appeal to succeed under ground (c), it would need to be shown that the matters alleged (if they occurred) do not constitute a contravention of section 9(1) or (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. Section 7 of the Act says that no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.
7. As a starting point, it is not, and indeed cannot be, disputed that the two signs at issue have been fixed to the building. An addition, which is an alteration, has therefore taken place. The question then arises as to whether that alteration has affected the character of the building as one of special architectural or historic interest.
8. Clare House is a Grade II listed building. While it now houses the Andover Social Club, it was built as a dwelling in the 18<sup>th</sup> Century. The original building has been extended both to the sides and the rear. The elevation of the building fronting East Street, where the signs have been affixed, consists of the historic main frontage, flanked by two extensions, a single storey element to the left that dates from the 1990s, and a two-storey element to the right that dates from the 1980s.
9. By dint of section 1(5) of the Act, these extensions, being structures fixed to the building, must be treated as part of the listed building.
10. The signs have been fixed to the 1980s element, the lower one over a fanlight above the entrance door, with the second one directly above the doorcase. I understand that the Council has taken the view that a sign fixed to the rear extension did not require listed building consent because (with reference to section 7 of the Act) it did not affect the character of the building as one of special architectural or historic interest. That seems to me a reasonable judgment in relation to that particular sign.
11. However, while they have also been fixed to a modern extension, the signs that are subject to the Notice are on the frontage, and most prominent. As a result, they have undoubtedly affected the character of the building as one of special architectural or historic interest. As such, they would require listed building consent. Listed building consent has not been granted for them so a contravention of section 9(1) of the Act has indeed occurred. On that overall basis, the appeal under ground (c) fails.
12. In their representations on this particular ground, the appellant has pointed to other situations where the Council has granted permission and/or consent for signs and lighting on other listed buildings. That may be so but it does not address the question of whether the signs at issue here were installed in contravention of section 9(1) of the Act. I have addressed the point under ground (e).

*Ground (e)*

13. An appeal under ground (e) is that listed building consent ought to be granted for the works. In considering whether to grant listed building consent for any works, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that the local planning authority, or the Secretary of State shall 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.
14. Paragraph 199 of the National Planning Policy Framework (the Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building), great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Broadly speaking, the relevant policies of the development plan, which are material considerations, take a similar tack.
15. As set out above, the main frontage of the listed building consists of the historic frontage of Clare House flanked by two modern extensions. The extensions are relatively polite in that they are subservient and use similar materials and details. The signs have been affixed to the two-storey 1980s extension. The upper sign, mounted above the doorcase, is integrally lit, and includes a green 'halo' around the perimeter of the box. The lower sign, which has been affixed over the fanlight above the entrance doors, is lit by a light fitting fixed to a panel above it.
16. It is important to note that these signs replaced two existing signs on the same part of the building. The first was illuminated and was situated above the doorcase, in the same place as the corresponding sign that is the subject of the Notice. The second sign was again, illuminated, and located between the two first floor windows.
17. The question of whether the previous signs were ever authorised is a relevant one. According to the appellant, they were installed in the 1990s. That would appear to correspond to the grants of advertisement and listed building consent for 'display of illuminated name sign' and 'display of painted sign' in May 1990. Importantly, the Council makes no suggestion that the signs removed to make way for the signs at issue were unauthorised. In that overall context, the question of whether listed building consent should be granted for the signs at issue must take account of what was in place before.
18. The signs that were previously in place could hardly be described as sensitive to the frontage of the building. As the photograph supplied by the appellant shows, they, along with the associated green canopy, focused attention on the extension, at the expense of the historic central element of the building. This impact would have been evident in daylight, but also at night-time when the signs were illuminated.
19. One of the replacement signs 'THE WOODSTOCK SUITE' is situated directly above the doorcase where the previous 'Main Entrance' sign was situated. Unlike its predecessor, which was internally lit in the form of a light box, the individual letters are lit, and it includes what I regard as a rather garish green halo around its perimeter. It is, therefore, much more prominent than its

predecessor. That increased prominence magnifies the harmful impact on the frontage of the building that I have identified above.

20. The second sign 'ANDOVER CENTRAL CLUB' has been fixed over the fanlight that forms part of the doorcase. It is lit by a trough light, that is not part of the Notice, that is also fixed to the doorcase (which I refer to further below). While I accept that the doorcase is a modern addition, and is not made in traditional materials, it does at least have a traditional form that relates reasonably well to the historic core of the building. The fanlight is an important element in the traditional composition of the doorcase. Covering the fanlight over with a sign changes the solid/void proportions of the doorcase and takes away from its traditional form. This incongruity is, in my view, harmful to the special interest of the listed building.
21. I appreciate that an overall conclusion must take into account the removal of the previously authorised sign at high level. Its removal has been of some benefit to the historic form of the extended building but nevertheless, given my findings above, my conclusion is that the new signs that have been installed, are more harmful to the special interest (or significance) of the listed building (a designated heritage asset) than those they replaced. In particular, they place a much greater focus on the extension, at the expense of the historic central element of the building.
22. The Framework differentiates between harm to significance that is termed 'substantial' and 'less than substantial'. We are told that the bar for a finding of substantial harm to significance is a high one. With that in mind, alongside the fact that the signs are affixed to the harm that has been caused in this case is very clearly less than substantial. Paragraph 202 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
23. I appreciate that the club needs to draw attention to itself to attract custom and that it may well have an important place in the social fabric of Andover. In that way, the signs do provide some public benefit. However, I do not regard that benefit as sufficient to outweigh the (less than substantial) harm to the significance of the designated heritage asset that has been caused. I reach that conclusion because it seems to me that much the same benefits could be secured by better-designed signs that relate better to the listed building.
24. On that overall basis, I do not consider the public benefits to be sufficient to outweigh the harm to the significance of the listed building that has been caused. Bearing in mind Section 16(2) of the Act, and the approach of the Framework, and the development plan, there is no justification for a grant of listed building consent for the signs at issue.
25. As indicated above, the appellant has pointed to other local examples where the Council has authorised lighting on and/or of listed buildings, and signage. That may be so but the impact of lighting of this kind must depend to a very large extent on the building that is intended to be lit, and the nature of the lighting and signage proposed. It is not, in my view, a matter that lends itself to a standardised approach. In that context, while I have considered the other examples referred to by the appellant, I have dealt with the works before me on their own merits and formed my conclusions accordingly.

## **The Notice**

26. As indicated above, there are issues with the wording of the Notice which I raised with the parties following my site visit. In brief, the Notice describes the contravention of Section 9(1) of the Act as the physical attachment of two advertisement signs before mentioning their capacity for illumination, where they are fixed, and their wording. Given the scope of what the Council confirms it wanted to take action against - the two signs - then this part of the Notice is adequate.
27. The issue with the Notice is in the steps to be taken to comply with it. Part (i) requires the disconnection of the electricity cables serving the signs that run across the front elevation of the building. These cables are not mentioned in the works said to be in contravention of the Act and given that they appear to have fed the signs previously in place, they would seem to be authorised. This inaccuracy in the Notice can be remedied by deleting (i) and renumbering the remainder of the third schedule, which in (ii) requires the removal of the signs, and in (iii) any necessary making good.
28. As this change reduces the scope of the Notice it can be done without injustice.
29. I also raised with the Council the light fitting, attached to the door case, that illuminates the lower sign, placed over the fanlight. The Council confirmed that its primary focus was the signs and that it did not seek to take action against the light fitting. As a result, I have not considered the light fitting, or the illumination it provides to the lower sign, as part of my assessment. Moreover, I have removed the reference to 'trough lit' in the Third Schedule in the interests of clarity.

## **Formal Decision**

30. I direct that the LBEN be corrected by deleting steps (i), (ii) and (iii) from the Third Schedule in their entirety and replacing them with (i) remove from the building the halo illuminated sign labelled 'The Woodstock Suite' and also the sign labelled 'Andover Central Club'; and (ii) sympathetically repair, with matching materials, any damage to, or holes in, the building, where these two signs were affixed.
31. Subject to these corrections the appeal is dismissed and the LBEN is upheld. Listed building consent is refused for the works carried out in contravention of Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Paul Griffiths**

**INSPECTOR**