

Appeal Decision

Site visit made on 24 October 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH November 2023

Appeal Ref: APP/T3725/Z/23/3327564

140-142 Parade, Leamington Spa, Warwickshire CV32 4AG

- 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 Rosa's London Limited against the decision of Warwick District Council.
 - The application Ref W/23/0591, dated 20 April 2023, was refused by notice dated 14 June 2023.
 - The advertisement proposed is installation and display of 1 x externally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original proposal included two retractable awnings, which were omitted before the Council made its decision. Consequently, this element of the proposal is removed from the above description of the advertisement, which is the same as the description used on the decision notice.
3. The advertisement which is the subject of this appeal has been implemented. Consequently, I have dealt with the appeal as involving an application for retrospective consent.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area and, in particular, whether it preserves or enhances the character or appearance of the Royal Leamington Spa Conservation Area in which the appeal property is located.

Reasons

5. The conservation area covers the whole of the town centre; the Parade is the principal shopping street within the centre. The west side comprises a terrace of predominantly Regency period buildings with retail and commercial uses at ground floor level. The mid-terrace appeal building is a later Art Deco replacement, but its scale, building line, fenestration pattern and overall design complement the wider setting. As such, it makes a positive contribution to the conservation area.
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6. The Council's *Shopfronts & Advertisements* document is material in this case as it provides guidance for such uses in the historic town centre. This indicates that advertisements should be restricted to the name of the business and secondary sub-lettering will generally be discouraged. It also states that if any form of illumination is to be considered it must be provided from a hidden source and all forms of external lights will not be permitted.
7. While the appeal building is of individual design and appearance, it does nonetheless form part of a terrace of buildings where the principles set out in the guidance have largely been applied. This is apparent from simple, proportionate lettering to fascia advertisements and the general lack of sub-lettering and external light sources. I would agree in this regard with the Council that the nature of these advertisements and signage contributes to the character of restrained elegance of the conservation area.
8. The fascia advertisement of the appeal building is at a higher level than the surrounding properties in the terrace due to the taller shopfront. While this sets the appeal building apart to some degree, it also gives it a greater visual prominence within its setting. The main lettering of the advertisement is of a size that is indicated in the guidance document and is proportionate to the size of the fascia board. However, the additional sub-lettering positioned below the main lettering provides a more cluttered and less simplistic appearance to the overall advertisement, which is out of keeping with the character of the surrounding setting.
9. This incongruous and uncharacteristic appearance is heightened by the prominence of the position of the advertisement in the street scene at a higher level than the neighbouring premises. The appellant draws attention to the sub-lettering associated with the original user of the building, but this is not directly comparable to the appeal proposal as it is more muted and less prominent, carved in relief on the upper part of the stone façade.
10. The trough light positioned above the main lettering is not readily distinguishable as a physical feature due to the same colouring as the background to the advertisement. It does, however, stand out in relief from the fascia seen closer up. More significantly, however, it provides an external form of lighting that will be particularly uncharacteristic of its surrounds when in use, as there are no other obvious examples of similar light sources within the terrace. As such, it would add to the incongruous appearance of the overall advertisement, which is materially different from the general character and appearance of the surrounding context.
11. I acknowledge that the ground floor restaurant will be open at night and, as such, some form of illumination is necessary. However, specific guidance on this is in place to require a more muted form of lighting to preserve the character and appearance of the conservation area. The fact that the Inspector in a previous appeal decision at the same property did not explicitly say that trough lighting was inappropriate, is not sufficient basis to set aside the harmful effects of the current proposal¹.

¹ APP/T3725/H/07/1201596, dated 10 September 2007.

12. Consequently, for these reasons, the existing advertisement fails to preserve the character and appearance of the conservation area. Reference is made to the provisions of the National Planning Policy Framework concerning different levels of harm with regard to heritage assets². However, as the proposal involves an advertisement, the question of less than substantial or substantial harm is not relevant, as the policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. Therefore, for the above reasons, I conclude that the advertisement that is in place has an unacceptably harmful effect on amenity and so does not preserve the character and appearance of the Royal Leamington Spa Conservation Area. I have taken into account Policy HE1 of the Warwick District Local Plan 2011-2029 (2017), which concerns the effects of proposals on designated heritage assets and which, therefore, is material in this case. Given that I have concluded that the proposal would harmfully affect the amenity of the area, including its failure to preserve the conservation area's character and appearance, the proposal is contrary to this policy.
14. In reaching this conclusion I am particularly mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area³.
15. I note that the Council considers that the proposal would not have an adverse impact on public safety and there is no basis for me to find otherwise.

Conclusion

16. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

² Paragraphs 199–202.

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.