



Appeal Decision

Site visit made on 28 November 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 January 2024

Appeal Ref: APP/Z5630/Z/23/3325226

13-15 Church Street, Kingston Upon Thames, KT1 1RW

- 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 United Peaks Ltd against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 23/00847/ADV, dated 29 March 2023, was refused by notice dated 23 June 2023.
 - The advertisement proposed is for a fascia sign and hanging sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the fascia sign and hanging sign 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 and the following additional condition:
 - 1) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 70 cd/m².

Procedural Matters

2. The Regulations set out that advertisements should be subject to control in the interests of amenity and public safety. Factors relevant to amenity include the characteristics of the locality, including the presence of any features of historic or architectural interest.
3. The appeal property, 13-15 Church Street is a statutory listed building, grade II, within the Kingston Old Town Conservation Area and the Kingston Town Centre Area of Archaeological Significance. It is therefore necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and to ensure, in particular, that the listed building and its setting is not compromised.
4. The appeal property is listed and therefore listed building consent is required for any advertisement that might affect a listed building's character or historic interest. Advertisement consent does not grant listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Based on the evidence before me it is not clear whether listed building consent has been granted for the works proposed including the proposed advertisements. In the event that this appeal is allowed, the appellant must ensure that the necessary listed building consent is in place before proceeding with the works.

Main Issues

5. I consider that the main issues are the effect of the proposed signs on the listed building and its setting, and the character or appearance of the Kingston Old Town Conservation Area.

Reasons

6. The appeal property, 13-15 Church Street is a three-storey building, listed grade II, with a commercial unit, currently in retail use on the ground floor. As well as being in the Kingston Old Town Conservation Area and the Kingston Town Centre Area of Archaeological Significance, it is located in both a Primary Shopping Area and a Primary Shopping Frontage.
7. The appellant proposes the display of 1 number internally illuminated fascia sign and 1 number externally illuminated hanging sign. The fascia sign would comprise an internally lit panel with opal acrylic lettering.
8. According to the list description the building probably dates from the C17 but has been much altered. In my view, its special architectural and historic interest relates to the history of its development, its design and detailing and its setting in the core of the old town.
9. The Council raise no objection to the hanging sign. From what I have seen and read, and while having regard to the relationship of the shop front to the remainder of the listed building and the building's location in a busy retail setting, I do not consider, that due to its size, design, location and finish the proposed hanging sign would be harmful to either the listed building or the wider conservation area.
10. Although the design of the shopfront incorporates some vernacular detailing it is, by reason of amongst other things its plan form and deep fascia clearly a contemporary shop front. Further, the shopfront which spans the whole frontage of the building is not immediately read with the vernacular scale and detail of the upper storeys of the building. As I observed this is just one shop in relatively large and still busy and flourishing retail area.
11. The proposed fascia sign, while being virtually the same height as the existing fascia would only be 2.005metres metres long. Accordingly, I do not consider, due to the overall length of the fascia, that it would appear dominant on the fascia or the shopfront itself. Furthermore, while the letters would be large, they would be proportionate to the size of the fascia.
12. I note the Council's concern about the choice of materials for the fascia sign. However, given the limited size of the sign and the eclectic mix of sign designs and materials adopted by other retail outlets in the surrounding area I do not consider that the choice of opal acrylic lettering would be inappropriate here.
13. For the reasons given above and having regard to all other matters raised, I conclude that the proposed signs would not harm, but preserve, the listed building and its setting. It would also preserve the character and appearance of the conservation area. Accordingly, the display of the advertisements would not be detrimental to the interests of amenity.
14. The Council has referred me to Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework-Core Strategy (Adopted April

2012) (CS) and its Shopfronts and Shopsigns Supplementary Planning Document (Adopted 2005) (SPD), along with Policy HC1 of the London Plan (Adopted March 2021) (LP). The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Accordingly, while alone the CS and LP policies together with the guidance in the SPD, to which I have been referred cannot be decisive, I have taken them into account as a material consideration in my determination of the appeal.

Other Matters and Conditions

15. The Council raise no concerns in respect of public safety. From what I have seen and read I would concur with its findings in this respect.
16. In addition to the five standard conditions that apply to all consents I have noted the other conditions suggested by the Council.
17. A condition to control the level of illumination of both signs is required in the interests of amenity. However, as the decision grants *express consent* and not *planning permission* a condition requiring the scheme to be carried out in accordance with the approved plans is not necessary.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR