
Appeal Decisions

Site visit made on 13 December 2023

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

APPEAL A

Appeal Ref: APP/C2741/Y/23/3325706

13 High Ousegate, York, YO1 8RZ

- 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 Hartbrights against the decision of City of York Council.
 - The application Ref. 22/02124/LBC, dated 11 October 2022, was refused by notice dated 16 May 2023.
 - The works proposed are external alterations to include display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, 2no. externally illuminated projecting signs, menu display case, and 2no. coach lanterns to alleyway entrance.
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APPEAL B

Appeal Ref: APP/C2741/H/23/3325709

13 High Ousegate, York, YO1 8RZ

- 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 Hartbrights against the decision of City of York Council.
 - The application Ref. 22/02121/ADV, dated 11 October 2022, was refused by notice dated 16 May 2023.
 - The advertisement proposed is 2no. sets of halo-illuminated individual letters to existing front fascia signs and 2no. projecting signs.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. The advertisements have already been installed and I was able to observe them during my site visit. As such, the applications seek consent retrospectively.
 3. Although not described in the application forms, the drawings submitted also include festoon lighting, which has been considered by the Council as part of the overall scheme. I have considered the appeals on the same basis.
 4. As the scheme is in a conservation area and relates to a listed building I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 5. The Government has recently published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this in reaching my decisions.
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Main Issues

6. For Appeal A, the main issues are whether the proposal would preserve a Grade II listed building, 13 High Ousegate, and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the Central Historic Core Conservation Area.
7. For Appeal B, the main issue is the effect on amenity, with particular regard to the effect on the Central Historic Core Conservation Area and a Grade II listed building, 13 High Ousegate.

Reasons

8. The building is part of a pair of houses constructed in the early 18th Century, with 20th Century shopfronts. The special architectural and historic interest of the building, so far as relevant to these appeals, is principally derived from its age, character and well-preserved appearance as an 18th Century house. The property incorporates a range of detailed design embellishments, including an elaborate archway. The shop front is of a traditional design and contributes to the significance of the listed building.
9. 13 High Ousegate stands within a row of historic buildings which, whilst varied, have strong group value as part of the conservation area. The majority of properties have shop fronts at ground floor level and whilst some are more modern in appearance than others, the design is generally traditional, with an abundance of timber facias and painted lettering. The presence of some inappropriate shop fronts and signage in the local area does not justify further harmful works.
10. The applications propose a variety of advertisements following a rebranding exercise by the current occupants and some attempt has been made to reflect the local style of individual lettering on facias and hanging signs. However, this has not been altogether successful as a result of the modern materials employed and the incorporation of untraditional halo lighting that results in protrusion from the facia.
11. The harm arising is compounded by the number of advertisements proposed, with large modern menu boxes obscuring the chamfered archway, along with crudely placed lanterns and associated surface mounted electrical wiring. The decorative cornice and pleasant multi-paned sash windows at upper floors are obscured by modern hanging festoon lighting.
12. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the character and appearance of the conservation area. The harm arising would be less than substantial in the terms of the Framework but is nevertheless of considerable importance and weight. I acknowledge that public benefits would arise from the scheme, in that the advertisements would promote a business and contribute to economic prosperity in the area. However, the current scheme is not the only way of achieving such aims and these public benefits do not outweigh the harm.
13. I have considered the potential for a split decision bearing in mind that the Council has not opposed the hanging signs. However, I have not done so because the harm arises, in large part, as a result of the cumulative impact of

the advertisements that will necessitate a comprehensive reassessment if alternative proposals come forward.

14. I conclude that the proposal would unacceptably harm the amenity of the area; fail to preserve the special architectural and historic interest of the Grade II listed building; and the character and appearance of the Central Historic Core Conservation Area. As such, it fails to satisfy the requirements of the Act, the Framework and Policies D5 and D13 of the Draft City of York Local Plan insofar as relevant.

Conclusion

15. In light of the above, the appeals are dismissed.

Michael Boniface

INSPECTOR