



Appeal Decision

Site visit made on 9 January 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/A4710/Y/23/3328001

9 Russell Street, HX1 1RL

- 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 Mr P Mackie, Althams Travel Services Ltd, against the decision of Calderdale Council.
 - The application Ref 23/00364/LBC, dated 31 March 2023, was refused by notice dated 30 June 2023.
 - The works proposed are described as 'proposed fascia signs'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is no appeal relating to advertisement consent before me. Section 7 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (the Act), states listed building consent is required 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. Neither the Council nor the appellant have presented any evidence to suggest that listed building consent is not required, I have therefore determined the appeal on its merits on the basis of the evidence before me.
 3. Although it does not form part of the reason for refusal, the appeal property is within the Halifax Town Centre Conservation Area. This is considered in the cases of both main parties. I am mindful that the duty set out in section 72(1) applies to listed building appeals even where there is no linked planning/advertisement appeal as in this case. Accordingly, since the works are in a conservation area and relate to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence provided by the main parties in relation to this appeal, since the revised Framework's approach to the main issues in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.
 5. The fascia sign is already in place. The works that have taken place are the same as those which were applied for on the submitted plans and I have dealt with the appeal on this basis.
-

Main Issues

6. The main issues are whether the works preserve a grade II listed building Palantine Chambers (Ref: 1330021) any features of special architectural or historic interest that it possesses; and whether they preserve or enhance the character or appearance of the Halifax Town Centre Conservation Area.

Reasons

The listed building and the conservation area

7. The appeal property forms part of a grade II listed building at Palantine Chambers which is used as offices and shop units. Dating to 1894 it is a commanding four storey corner building with a distinctive curved frontage which is built on a steel frame with ashlar cladding and slate roof. Rusticated pillars divide the shopfronts and the upper levels have decorative part fluted pilasters with Corinthian capitals and floral urn like bases. There are also decorative brackets and carvings on the friezes and pediments to each bay.
8. Although some of the original shopfronts have been lost, including at the appeal property, and despite other more modern alterations that have taken place, the building overall has kept its imposing and grand character and traditional materials. It retains its authenticity and still reads as an attractive and decorative high status town centre building that is indicative of the commercial confidence of Victorian Halifax.
9. From the evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its age and historic fabric as well as from its attractive decorative features and grand proportions. It is also derived from the building's prominent town centre location. All these elements are important overall to the special interest of the building in terms of this appeal.
10. The appeal building is within the Halifax Town Centre Conservation Area. This covers much of the town centre and its historic core. The Conservation Area Appraisal identifies Halifax as a prime example of a Victorian/Edwardian civic and commercial centre, with an abundance of 19th and 20th century buildings. A considerable number of these buildings have been retained in a compact area which contributes to a townscape of great character with a variety of high quality historic buildings and a feeling of much splendour and dignity.
11. I consider that the significance of the conservation area, in so far as it relates to this appeal is mainly derived from the quality and variety of the historic buildings and the relationships of these to each other and the surrounding streets that make up the distinctive and cohesive townscape of the town centre. The appeal property forms part of the distinctive Palantine Chambers which occupies a prominent corner position close to the junction of Russell Street with Market Street. As a result, it contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.

The effect of the works

12. The appeal property's original shopfront has been lost and the Council accepts that the existing non-historic replacement detracts from the building's special interest. Notably the fascia is overly deep and does not respect the curved

frontage of the building. The appellant advises that the existing shopfront was likely to have been in place when the building was listed.

13. The works have seen the replacement of the previous fascia sign with a sign of similar proportions. Whilst the appellant argues that the previous sign had similar properties to the appeal scheme, the Council indicates that the previous signage was more minimal in design and incorporated a limited colour palette of only blue and white. I also understand that it was designed as such in negotiation with the Council at the time it was approved.
14. I have had regard to the photographs of the previous sign submitted with the appeal documents, and agree that this relatively low key and understated fascia sign appeared relatively sympathetic to the appeal building despite its depth and position arising from the modern nature of the shopfront.
15. The fascia panel that is the subject of this appeal is digitally printed in a bright blue satin laminate. White and red acrylic lettering is bonded to it to spell out Althams Travel Est. 1874. The lettering is in a loud modern font and is large and strident, taking up the full depth of the fascia. The bold multicoloured nature and pictorial design of the fascia add further to the sign's busy and crowded appearance.
16. I appreciate that the appeal scheme includes the appellant's corporate colours, and note the appellant's view that these are displayed on all their shops, including on a number of listed buildings and in conservation areas. However, no further details of these have been provided and so I cannot be assured that those examples, or the circumstances that led to those works, are the same as in the case before me.
17. Reference is also made to other examples of signage on the wider appeal building and nearby, including on Corn Market. However, again, I am not aware of the circumstances that led to those works and so cannot be sure that they are the same as in the case before me. Besides, I am not convinced that in all instances these or similar works should necessarily be repeated.
18. Taking all these factors into account, even in the context of the appeal property's modern shopfront and the other unsympathetic works that have taken place to the listed building overall, I find that the works have nevertheless introduced an obtrusive and jarring feature to the building. For the reasons given above, the fascia sign appears directly at odds with the historic building's fine architectural detailing and traditional materials. Its obvious and brash appearance competes visually with the building and draws attention away from it.
19. In detracting from its traditional features and materials, I therefore consider that the works have served to further reduce and undermine the listed building's integrity and authenticity, and so fail to preserve its special interest. That the fascia sign is attached to a modern part of the building and is reversible does not alter my view.
20. In causing harm to the listed building, which also contributes positively to the historic townscape and significance of the conservation area, the works also detrimentally affect how the conservation area is experienced. I therefore consider that the works cause harm to the significance of the conservation area and fail to preserve its character and appearance.

Heritage balance

21. I therefore conclude on the main issues that the works fail to preserve the special interest of the listed building and the significance of the conservation area. I find the harm to the heritage assets as identified to be less than substantial in this instance, but nevertheless of considerable importance and weight.
22. The Framework states at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 207 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
23. The appellant argues that the works ensure that the building is retained in viable use. I appreciate that utilising well known corporate signage allows the premises to be readily identifiable to potential customers. However, I have seen no evidence to indicate that the use of the building would cease in the absence of the appeal scheme.
24. Moreover, I have seen nothing to demonstrate that alternative signage would not be possible. I am aware of no reason why the fascia sign at the appeal property must be exactly the same as that used on other stores in order for it to be recognised. It is not unusual for businesses to use 'heritage' branding in more sensitive areas. I also note that the appellant's previous premises which are nearby, displayed simpler more discreet signage.
25. Taking all these factors into account, I therefore find that the public benefits arising from the works do not outweigh the harm to the significance of the designated heritage assets I have identified. For these reasons the works fail to satisfy the requirements of the Act and paragraph 203 of the Framework.
26. Whilst the decision notice refers to Policy HE1 of the Calderdale Local Plan, I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

Conclusion

27. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR