



Appeal Decision

Site visit made on 26 March 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/F2415/Z/24/3336626

The Square Bar Bistro, 53 The Square, Market Harborough, Leicestershire, LE16 7PA

- 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 Mr Murat Dagdeviren against the decision of Harborough District Council.
 - The application Ref 23/00735/ADV dated 19 May 2023, was refused by notice dated 15 November 2023.
 - The development proposed is installation of 1x fascia illuminated sign and 1x hanging illuminated sign, The Square Bar Bistro, 53 The Square, Market Harborough.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of the application a revised the National Planning Policy Framework 2023 (the Framework) was revised in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. The refusal reason generically references the Framework however, it is not considered that this latest revision impacts upon the determination of this appeal given the main changes to the Framework and the nature of the proposal.
4. I note that the appellant submitted Computer Generated Imagery (CGI) of the proposal, however, the canopy shown on the CGI imagery is to be excluded for the purposes of this application for advertisement consent as confirmed within the Council's delegated report. This appeal will, for the avoidance of doubt focus upon the signage itself in the context of the main issue outlined.
5. I note from the appellant's submission, and my site visit, that the signage which is the subject of this appeal has already been erected on site. The proposal is, therefore, retrospective in nature but in any case, I have considered the proposals on its own merits as set out within the decision letter below.

Main Issue

6. The main issue is the impact of the proposal upon the character and appearance of the building and its surroundings as a result of design and illumination.

Reasons

7. The appeal site is a building which operates as a café/bar/grill and fronts onto the main square in Market Harborough's town centre. The appeal site stands within the Market Harborough Conservation Area (CA) with there being a number of listed buildings/assets within the locality as demonstrated on the plan provided within the Council's delegated report. Section 72 of the Planning (Listed Buildings in Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA.
8. At the time of my site visit, I noted that signage has already been erected, however, as outlined within the Council's submissions, the existing signage is unauthorised with the only previously approved, illuminated, signage being that approved under 06/00589/ADV. From the information provided by the Council the previously approved scheme appeared to have retained and respected the architectural features of, and was more sympathetic to the character of, the building itself. This is a strong contrast to the proposed large, metal, fascia/fixed signage with illumination.
9. One of the main features of the host building is the historic fenestration/architectural detailing with the building having previously been a County Library premises. The date/name stone is also understood to be set above the front door (this can be seen in older, submitted, images). This feature has been covered over by the existing, unauthorised, signage. The proposal would see signage across the front elevation of the building along with a separate, projecting, hanging sign with lettering proposed to be in brightly coloured Perspex with LED front and back lighting. The proposal would result in a fascia design which would cover over architectural details which I find would detract from both the character and appearance of the building itself which would be then exacerbated by the proposed illumination (backlighting). The backlighting, as proposed, would cause further unacceptable impact to the CA due to illumination during the hours of darkness.
10. The proposal fails to work with the historic setting of the site, within the CA, and also fails to take account of the architectural features, and historic features, associated with the host building itself within the CA. The proposed signage, by virtue of its design and method of illumination, as submitted, would detract from the character and appearance of the building and its surroundings and would harm the setting of listed buildings particularly within the hours of darkness as a result of the proposed illumination. I find that the proposal would result in less than substantial harm to the setting of these designated heritage assets and the CA itself. In accordance with the Framework (paragraph 208) where a development proposal would 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 including, where appropriate, securing its optimum viable use.
11. The proposal is for signage which would form an advertisement in connection with the operation of the appeal site as a café/bar/grill and there are no public benefits before me which would outweigh the great weight which should be given to the less than substantial harm identified in this case. In addition, I note from the Council's report, that recommendations were made as to amended proposals which were likely to comply with policies. Whilst it is not

the place of this appeal to comment whether those proposals would be acceptable, as this would be the subject of a new application, I find that it is likely that there are suitable alternatives which could achieve the appellant's objectives, achieving signage for the business in question, which would be appropriate for the setting of the site, respect the host building and comply with relevant policies as noted by the Council.

12. Overall, covering up architectural detailing on the façade, the choice of sign colours and the type and quantity of illumination would, cumulatively, result in unacceptable impact resulting in harm for the reasons which I have outlined. The proposal would be contrary to Harborough Local Plan 2019 (LP) Policy GD8 which requires that development achieves a high standard of design including meeting criteria such as reflecting characteristics that make places special (conservation areas and in proximity to listed buildings) and respecting and enhancing both the local character and distinctiveness of the settlement concerned. The proposal would also be contrary LP Policy HC1 which requires that development affecting heritage assets and their settings will, where the proposed development would lead to less than substantial harm, be weighed against the public benefits of the proposal and will be permitted where it protects, conserves or enhances the significance, character, and appearance and setting of the asset, and LP Policy RT3 which outlines that advertisement designs should respect the character and architectural details of the buildings on which they are proposed and their surroundings, in terms of scale, siting, materials, colour and lettering and method and intensity of illumination.
13. The Town & Country Planning (Control of Advertisements) (England) Regulations 2007 states, in relation to powers to be exercised in the interest of amenity and public safety, that a Local Planning Authority shall exercise its powers under the regulations in the interest of amenity and public safety taking into account the provisions of the development plans, so far as they are material and factors relevant to amenity which include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The proposal would also be contrary to the overarching objectives of the Framework which acknowledges that assets are an irreplaceable source and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life for existing and future generations.

Other Matters

14. I note that the business was purchased with the illuminated signage box with a fascia board and that the property may well have been sold with such signage within the photos and information which formed part of sales particulars. The purchase of the business, whether or not the purchase included the signage, is a private matter and carries limited weight within the determination of this appeal. I acknowledge the appellant's intention to change the name of the business which, obviously, has resulted in a need to change the signage to the front of the building and indeed, from the planning history provided by the Council, it would appear that no planning permission was/is in place for the existing signage which has been erected within the last 5 years.
15. I note the examples of other signage which have been submitted, with photographs, by the appellant within submissions. Despite this, there is no further information, such as site context, as to the buildings put forward to

allow me to consider their contexts within the CA or within the setting of any adjacent listed buildings. Even if I had agreed that such signage was acceptable, as a result of these examples, this would not overcome the harm which I found to the character and appearance of the host building itself due to the signage covering historic and architectural features which I find, in itself, sufficient for refusal especially given, as previously discussed, I am of the opinion there are very likely to be alternative solutions which could be explored which would be more appropriately designed taking into account the building itself, and the CA, which would allow the appellant to advertise the business appropriately taking into account policy requirement.

16. I note that the appellant states that updated advertisements, with plans, were sent to the Council but that these were not considered the application being refused at the point the premises were opened. I can see that the Council made recommendations as to amendments which were likely to comply with policies, however, it was stated that the then applicant did not formally submit amended plans in response to the suggestions made and the extension of time which was granted (to try to find a solution) lapsed with the applicant stated, by the Council, to not have responded to communications which resulted in a decision needing to be made due to no extension of time being in place.
17. Whilst this application is not accompanied by an application for costs, and it is beyond the scope of this appeal to comment upon management of the application itself, from the evidence before me, the Council appear to have attempted to proactively engage with the appellant, making suggestions as to amended proposals, but these have not been received so the Council has proceeded to determine the proposal as originally submitted on its own merits and in this case, for the reasons set out above, I too have concern over the proposals which are sufficient to warrant refusal.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR