



Appeal Decisions

Site visit made on 4 April 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2024

Appeal A - Ref: APP/Q0505/H/23/3325985 3 to 4 Market Hill, Cambridge CB2 3NJ

- 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 PLK Chicken UK Ltd against the decision of Cambridge City Council.
 - The application Ref 23/00962/ADV, dated 13 March 2023, was refused by notice dated 6 June 2023.
 - The advertisements are 2no non-illuminated fascia signs, 2no non-illuminated double sided projecting signs, delivery drivers ID signage, and manifestations to entrance doors glazing windows.
-

Appeal B - Ref: APP/Q0505/Y/23/3327462 4 Market Hill, Cambridge CB2 3NJ

- 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 PLK Chicken UK Ltd against the decision of Cambridge City Council.
 - The application Ref 23/01238/LBC, dated 30 March 2023, was refused by notice dated 24 May 2023.
 - The works are the retention of a non-illuminated fascia sign, 2no non-illuminated double sided projecting signs, delivery drivers ID signage, and painting of the front façade at ground floor level.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Since the determination of the applications, a revised version of the National Planning Policy Framework (the Framework) has been released. The revised version has not materially changed as it relates to either appeal. I have therefore had regard to the revised Framework as appropriate and did not need to consult with the parties.
4. The original applications included four barrier banners within the highway. However, the appellant has withdrawn these from the scheme. I have not, therefore, had regard to the barrier banners as part of my Decision and have amended the descriptions of development to reflect this.

5. The advertisements have been erected on two buildings – Nos 3 and 4 Market Hill. No 4 Market Hill is a Grade II listed building¹. No 3 is not listed. I have therefore changed the address and description of development for Appeal B to reflect that it only relates to No 4.
6. The advertisements have already been erected. Appeal A is therefore retrospective. It is not possible to apply retrospectively for works to a listed building. Appeal B is therefore in relation to retention of the advertisements. I deal with this as appropriate throughout my Decision.
7. The advertisements include a projecting sign onto Market Hill, a further projecting sign within a side alley, two fascia signs, two wall panels within the porch to the side alley, and stickers on the windows. A split decision has been issued by the Council in relation to the application for advertisement consent the subject of Appeal A. The two wall panels within the porch, the projecting sign within the side alley, and the stickers on the windows have been granted consent and are not, therefore, disputed elements in relation to either appeal. In addition, the projecting sign on the front elevation is not a disputed element with regard to its appearance, and I agree this is of acceptable appearance.
8. Because Appeal B relates to a refusal to grant listed building consent, I have had special regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Because the appeal site lies within the Central Conservation Area and Appeal B relates to an application under one of the planning acts, I have also had special regard to Section 72(1) of the Act.
9. Because Appeal A relates to a refusal to grant express consent for advertisements, I have had special regard to Section 3(1) of the Regulations. In particular, this limits my considerations to those relating to amenity and public safety. Section 3(2) confirms that factors relevant to amenity include the presence of any feature of historic, architectural, cultural or similar interest. It also confirms that factors relevant to public safety include the safety of persons using any highway.
10. The façade facing Market Hill and the porch areas have been painted dark grey at ground floor level, with small inset areas painted orange. The painting was included in the scope of works for both the advertisement consent application and listed building consent application. However, although painting the exterior of a listed building so that it materially affects the character of the building requires listed building consent, in this case the painting is largely one colour with only small elements in orange and it contains no specific adverts or slogans. It does not, therefore, require advertisement consent and I have excluded this element of the works from my consideration of Appeal A.

Main Issues

11. The main issues are therefore:
 - whether or not the advertisements have an acceptable effect on public amenity, including whether or not they, and the painting as appropriate, preserve or enhance the character or appearance of the Central Conservation Area² (the CA), the effect on the special architectural or historic interest of the Grade II listed building, '4 Market Hill', and on the

¹ List entry number 1126133

² The conservation area is also called 'Historic Core' in some documents

- special architectural or historic interest of the Grade I listed building '5 Market Hill'³ with regard to its setting (Appeals A and B); and,
- whether or not the projecting sign has an acceptable effect on highway safety (Appeal A).

12. If I find there to be less than substantial harm to the heritage asset(s), then a further consideration will be to weigh any harm against the public benefits, if any, of the works. This is only in relation to Appeal B because paragraph 208 of the Framework does not apply to advertisement consent appeals.

Reasons

Public amenity

Significance

13. Market Hill surrounds a market place, creating a square, which contains a regular market and is in the commercial heart of Cambridge. It has a particularly high footfall. The square is surrounded by commercial buildings, a church and the Guildhall. There are a range of building styles and ages, dating from 14th-Century to modern. The commercial buildings have retail or restaurant uses at ground floor, and a mixture of uses to upper floors.
14. There is a huge variety of shopfront and advertisement designs. The shops have all used their standard, corporate advertisement designs and styles. However, the majority of shops have only one sign and, save for one, none of them have signs beyond the name of the shop/restaurant. Even where there is more than one sign, for example Hugo Boss and the opticians, they all sit comfortably within their respective fascias with breathing space around the signage. The overall result is a pleasing and varied mixture of retail units and advertisements that sit well together in this busy, city centre location.
15. Part of the appeal site is the Grade II listed No 4. The Grade I listed No 5 is directly to the north. Further to the north, at No 6, and to the south, at Nos 1 to 3, are Buildings of Local Merit (BLM), as identified in The Cambridge Historic Core Conservation Area Appraisal, dated 2017 (the Appraisal). There are also several key views identified in the Appraisal that include the appeal site, from various directions across the square. The appeal site is therefore particularly prominent and sits in the context of important heritage assets and key views within the CA.
16. No 4 Market Hill is a three-storey building, likely built in the 16th-Century and then re-modelled in the 18th-Century. Its significance insofar as is relevant to the appeal proposal largely derives from its front elevation, partly because this is prominent on the square and partly because this is where it retains historic fabric, including sash windows. However, this elevation includes a modern shopfront that was altered prior to the advertisements being erected, although it retains a pleasing fascia that has articulation from framing using the fascia material.
17. No 5 Market Hill is a three-storey building, constructed in late 17th-Century. It has significant internal and external historic fabric and is of high heritage significance, recognised in its Grade I listed status. The advertisement signs sit

³ List entry number 1331862

comfortably within the fascia on the front elevation and there is only one sign for the shop.

Proposed

18. Insofar as they relate to disputed elements of public amenity, the advertisements on the appeal buildings include the primary shop name at fascia level above the entrance door, and then a slogan associated with the retail unit at fascia level over the adjacent bays, which is on the listed building.

Assessment

19. Both fascia signs are stylised to fit the corporate identity of the occupant. As set out above, this is a common approach to other shops on the square and is not inappropriate in principle. However, the Popeyes sign appears cramped. It fills the entire fascia including running over the framing detail. It does not, therefore, sit comfortably within the fascia. The slogan sign is, taken in isolation, appropriate in scale and design as it fits comfortably within its fascia and frame. However, this is a slogan, which is explicitly discouraged by Appendix H: Shopfront Design Guide of the Cambridge Local Plan 2018 (the LP) at supporting text paragraph H18. In combination with the main Popeyes sign, it results in a cluttered appearance on the shopfront.
20. I acknowledge that the Franco Manca restaurant, also on Market Hill, has signs both for the name of the restaurant and also saying 'sourdough pizza', which is, in effect, a slogan. However, the signs use much smaller lettering, are less prominent and intrusive, and take up a smaller proportion of each relevant part of the fascia.
21. With regard to the painting, some shops on Market Hill have retained the material of the shopfront without painting, albeit the materials vary around the square, including timber and concrete. Others, though, have painted either the entirety or the substantial parts of the shopfront, save for the glazing. Painted shopfronts are therefore an established part of the street scene. However, the colours are muted, for example dark grey, black, or off-white. On the appeal site, the primary painted colour is an appropriately muted dark grey. But, there are elements of a fairly bright orange colour. Despite being a relatively small proportion of the shopfront, the brightness of the colour makes this element of the painting prominent. The overall effect does not respect the traditional character and appearance of the host building, or largely within the wider area.

Conclusion

22. The Popeyes sign is too large for its fascia and therefore appears cramped. The slogan sign is unnecessary and results in a cluttered appearance, when considered in combination with the Popeyes sign. The orange elements of the painting are too bright and prominent. Consequently, the works do not have an acceptable effect on public amenity, and they harm the character and appearance of the CA, and the special architectural and historic interest of the Grade II listed building '4 Market Hill', and the Grade I listed '5 Market Hill' with regard to its setting. The works therefore fail to comply with Policy 61 of the LP which reflects the Framework with regard to heritage assets, Policy 64 of the LP which requires high quality design, Policy 65 of the LP which relates to visual amenity of advertisements, and Appendix H of the LP as set out above. The

works also fail to comply with the Framework, in particular paragraphs 141 regarding advertisements and 203 regarding heritage assets.

Highway safety

23. The projecting sign fronting onto Market Hill is 2.23m above the pavement. This is below the 2.4m height that the Highway Authority has requested should be achieved to ensure there is sufficient clearance to protect highway safety. However, there is an existing projecting sign immediately to the north at No 5 which is at a very similar height, and potentially lower, to that at the appeal site. In addition, the projecting sign is higher than the top of the adjacent porchway and provides sufficient clearance for all normal use of the pavement. It is not near to the road and would not affect passing vehicles. I also note that paragraph H22 of Appendix H states that projecting signs should be above 2.4m 'as a general rule'. There is therefore flexibility in the application of this policy.
24. I therefore conclude that the projecting sign does not unacceptably harm highway safety and it complies with Policy 65 and Appendix H of the LP in this regard.

Planning Balance and Conclusions

25. I have found harm both from the slogan sign which sits on the listed building, the combination of the slogan sign and the Popeyes sign which lie on the adjacent unlisted No 3, and from the orange painting to both properties. The works have therefore caused less than substantial harm to the Grade II listed No 4, to the setting of the Grade I listed No 5, and to the character and appearance of the CA. In accordance with paragraph 205 of the Framework, I place great weight on this harm.
26. There might be some benefit to the business from the works attracting customers to the establishment and by retaining and promoting a brand identity. However, there is no reason to believe this couldn't be achieved in a manner which doesn't cause harm to the heritage assets. There are therefore negligible, if any, public benefits from the works. The harm I have identified therefore outweighs the public benefits. For similar reasons, I find that the harms of the works to the setting of the nearby BLMs are not outweighed by the benefits. Appeal B is therefore dismissed.
27. Whilst I have found that the advertisements do not harm highway safety, they do have an unacceptable effect on public amenity, including from the harm to heritage assets as set out above. The benefits of the works are negligible, as set out above, and they fail to comply with the Development Plan when considered as a whole. There are no material considerations that indicate a decision should be made otherwise, and therefore Appeal A is dismissed.

O S Woodward
INSPECTOR