



Appeal Decisions

Site visit made on 9 July 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2024

Appeal A: APP/D1590/H/23/3331001

2-8 Marine Parade, Southend-On-Sea SS1 2EJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr John Remblance of Star Pub Company Limited against the decision of Southend-on-Sea City Council.
 - The application reference is 23/00392/ADV.
 - The advertisement is described as 'illuminated canopy signage for existing arcade'.
-

Appeal B: APP/D1590/Y/23/3331003

2-8 Marine Parade, Southend-On-Sea SS1 2EJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr John Remblance of Star Pub Company Limited against the decision of Southend-on-Sea City Council.
 - The application reference is 23/01154/LBC.
 - The works are described as 'install internally illuminated projecting signs to front (retrospective)'.
-

Decision

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

Preliminary Matters

3. The advertisements have already been installed. 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 advertisement.
 4. Nos 2 - 4 Marine Parade are Grade II listed buildings. Nos 5 - 8 are not listed. Listed building consent is only required for Nos 2 - 4. I have therefore determined Appeal B on this basis.
 5. Appeal A relates to a refusal to grant express consent for advertisements. I have had regard to Section 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). This limits my considerations to those relating to amenity and public safety. Section 3(2) of the Regulations confirms that factors relevant to amenity include the presence of any feature of historic, architectural, cultural or similar interest.
-

6. The Council raises no concerns in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view.
7. Part of the appeal site lies within the Clifftown Conservation Area (CA). In respect to Appeal A, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA. This statutory duty applies to advertisement appeals insofar as it relates to the consideration of 'amenity'. As 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).
8. The Council has confirmed that there was a typographical error on their decision notices and that it should read Policy CS1, not Policy CP1 of the Southend Central Area Action Plan (SCAAP) February 2018. As the appellant has referenced Policy CS1, as opposed to Policy CP1 in their submission, I have not sought further comments on this matter and I am satisfied that no party is prejudiced by this approach.

Main Issues

9. The main issues are the effect of the advertisement on amenity, including whether the advertisement preserves Grade II listed buildings, known as '1-3, Marine Parade' (Ref: 1306884), '4, Marine Parade' (Ref: 1112715) and 'Pleasure Pier' (Ref: 1112705) and any features of special architectural or historic interest that they possess; whether the advertisement preserves or enhances the character or appearance of the CA; and, the effect of the advertisement on a non-designated heritage asset, known as 'The Palace Hotel'.
10. 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. This only applies to Appeal B because paragraph 208 of the National Planning Policy Framework 2023 (the Framework) does not apply to advertisement consent appeals.

Reasons

11. The appeal relates to part of a terrace, which has an amusement arcade on the ground floor. The appeal site lies in a prominent position on the seafront. There are a variety of building styles in the area, including historic and modern and a mix of uses, including commercial, leisure and residential. There is also a variety of signage in the area. Opposite the appeal site is a theme park, which consists of modern buildings and structures, plus colourful and illuminated advertisements. The appeal site lies within the Marine Parade Frontage, which is designated within the SCAAP as a landmark frontage.
12. Nos 1-3 and 4, Marine Parade are Grade II listed and were built in the late 18th century. They are 3 storeys high. Nos 1-3 consist of 3 nos one bay houses. No 4 has a double bay. Nos 1-3 and 4 are constructed of brick, with stuccoed elevations and have distinctive bow fronts. The appeal site also incorporates the adjacent building, known as the Olympia building, which is not listed.
13. Based on my site visit and the evidence before me, I find that the listed buildings' special interest and significance insofar as is relevant to these appeals is derived from its historic and architectural interest, as an illustration

of late 18th century Georgian domestic architecture. The buildings' height, its white stuccoed elevations, its symmetrical form, with segmental projecting bays and a regular pattern of fenestration contribute towards its special interest.

14. On the opposite side of the road to the appeal site is the Grade II Pleasure Pier, which dates back to the late 19th century. Insofar as it relates to these appeals, I find that the Pleasure Pier's special interest and significance is derived from its historic and architectural interest, where it is believed to be the longest pleasure pier in the world; its connection with the renowned civil engineer James Brunlees; and, its use of traditional materials.
15. Nos 2, 3 and 4 lie within the CA. The CA includes part of the seafront and the old town. It also includes numerous public open spaces. The significance of the CA, insofar as is relevant to these appeals, derives from the high quality architecture of differing styles and periods and the public open spaces within it, which signify the city's evolution as a historic seaside resort. Given the appeal site's position on the seafront, the buildings within the appeal site are highly prominent in the public realm. Nos 2, 3 & 4 make a positive contribution to the character and appearance of the CA. While the Olympia building lies outside of the CA, its Art Deco design, scale and materials make a positive contribution to the setting and therefore the significance of the CA.
16. The appeal site also lies in close proximity to The Palace Hotel, which is an early 20th century building. It is a building of a significant height and scale, which occupies a prominent position on the seafront. It is a locally listed building and designated a local landmark in the SCAAP.
17. The signage consists of large, digitally printed panels, which are fixed to a powder coated aluminium frame. LED bulbs highlight the lettering and other features. The signage has been placed in front of the previous advertisements. Given the prominent position of the appeal site on the seafront; the significant size of the advertisement; its garish colours; use of modern materials; and, the use of illumination, it appears unduly intrusive in the public realm. I found this to be the case during the daylight hours when I visited the site. The advertisement would appear even more visually prominent during the hours of darkness when it is illuminated.
18. The advertisement is substantial in size and spans across the frontage of Nos 2-8 Marine Parade. It significantly exceeds the size of the fascia. The advertisement obscures part of the first floor of Nos 2, 3 and 4, including part of its distinctive bow windows. The advertisement fails to respect the symmetrical form of the host buildings. Its significant size, bright, garish colours, modern materials and use of illumination appear alien against the simple palette of materials and traditional form of the host buildings. As a result, I find that the advertisement is significantly harmful to the special interest of the listed buildings, known as 1-3, Marine Parade and 4, Marine Parade and the amenity of the area, including the CA, Marine Parade Frontage and the setting of the nearby Palace Hotel, which is a non-designated heritage asset.
19. The appellant argues that the advertisement has no greater impact on the listed buildings than the previous advertisements. However, it appears from the evidence before me that the advertisement obscures more of the bow windows on Nos 2, 3 and 4 than the previous advertisements.

20. The appellant contends that the previous signage was piecemeal and disjointed and that the advertisement that is the subject of this appeal is more holistic. Although large and unsightly, the previous advertisements were smaller in scale, did not span the frontage of multiple buildings and were non-illuminated. Given the size, design, use of materials and use of illumination, I find that the advertisement which is the subject of these appeals is significantly larger and more visually obtrusive than the previous advertisements, which are considered to be detractors within the Clifftown Conservation Area Appraisal 2021 (the CAA).
21. I appreciate that the largest part of the advertisement is sited in front of the Olympia building, which is not listed nor within the CA. I also acknowledge that this is not a 'chocolate box' setting and that the surrounding public realm has been modernised. The appeal site also relates more to the commercial and leisure uses along the seafront, rather than the quieter, residential development and the historic core of the city. However, the appeal site has historic significance in denoting the city's evolution as a seaside resort and the buildings within it have architectural significance; hence its inclusion within the CA and the listed status of some of the buildings within it.
22. While I noted other large, illuminated advertisements in the locality, there is limited evidence before me on the circumstances of these other advertisements. The other advertisements referenced by the appellant lie outside of the CA and are not sited on listed buildings. The context is therefore materially different. Consequently, I give the other advertisements limited weight in my decision.
23. The appellant argues that the Council has not been consistent in determining advertisement consent applications that affect listed buildings, using the illuminated rotating totem sign on the opposite side of the road as an example. In general, the signage at the theme park is smaller in scale and less dominant in the street scene than that which has been installed at the appeal site. The illuminated totem has a slender form and is simple in design and does not appear out of character with the theme park surrounding it. The totem is also set away from the listed Pleasure Pier and separated from it by other theme park structures. The totem sign falls outside of the CA and is not attached to a listed building and the context is therefore materially different.
24. Steel supports have been added to support the advertisement. The steel supports contrast starkly with the traditional character of the host buildings and are highly visible from the public realm. I observed on my site visit that the steel supports puncture building fabric. However, there is insufficient information before me on the fabric that has been affected. The loss of historic fabric would further compound the harm that I have identified. Nonetheless, I find the steel supports harmfully jar with the traditional character of the host buildings and detract from the amenity of the area.
25. Although the Council finds harm to the special interest of the Grade II listed Pleasure Pier, given the distance and intervening theme park, I do not find that the advertisement harms the special interest of the Pleasure Pier.
26. For the reasons given above, I find that the advertisement significantly detracts from the character and appearance of the street scene and fails to preserve the special interest of the listed buildings, known as 1-3, Marine Parade and 4, Marine Parade. Furthermore, the advertisement fails to preserve the

significance of the CA and, a non-designated heritage asset and local landmarks. Consequently, the advertisement harms the amenity of the area.

Public Benefits

27. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should require clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
28. Where works lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the scheme, including, where appropriate, securing the asset's optimum viable use.
29. The appellant advises that the advertisement is necessary in order to attract customers to the business and compete with adjacent amusement arcades, which would have an economic benefit. However, there is no compelling evidence before me why a more sympathetic alternative would not achieve the same benefits. As a result, I give this public benefit limited weight in my decision. There is also no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset.
30. Overall, there would be limited public benefits from the appeal scheme. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
31. Given the above, I conclude that, on balance, the advertisement is harmful to amenity and fails to preserve the special interest and significance of the listed buildings, known as 1-3, Marine Parade and 4, Marine Parade. Furthermore, the advertisement fails to preserve the significance of the CA and the setting of a non-designated heritage asset. As a result, Appeal B fails to satisfy the requirements of the Act and paragraph 203 of the Framework. Although not determinative for Appeal A, I have had regard to Policies KP2 and CP4 of Southend on Sea Core Strategy December 2007, Policies DM1 and DM5 of the Development Management Document July 2015; and, Policies CS1, DS2 and DS3 of the SCAAP. These policies among other things require that schemes conserve and enhance the historic environment, including listed buildings and CAs; add to the overall quality of the area; respect the character of the site; are compatible with and/or enhance key views of the seafront; and, conserve landmarks and landmark buildings.
32. The proposal would also conflict with the Council's Design and Townscape Guide Supplementary Planning Document 1 (SPD) 2009 and the CAA. These SPDs among other things require that proposals preserve a building's special architectural or historic interest; that signage relates to the building's proportions and does not appear over dominant; that signage does not encroach on the upper floors or obscure architectural features; and, that signage keeps the frontage of adjoining buildings separate.

Conclusion

33. For the above reasons and having regard to all other matters raised, I conclude that both appeals should be dismissed.

A James

INSPECTOR