



Appeal Decisions

Site visit made on 13 August 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal A: APP/Z5630/Y/23/3336149

11 - 13 Thames Street, Kingston Upon Thames KT1 1PH

- 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 Martyn Hufton of Johnston Shopfitters against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application reference is 23/02370/LBC.
 - The works proposed are new shop frontage fascia signage, projecting signage, window vinyls and air conditioning to ground floor retail unit with rear external units.
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Appeal B: APP/Z5630/H/23/3336152

11 - 13 Thames Street, Kingston Upon Thames KT1 1PH

- 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 Martyn Hufton of Johnston Shopfitters against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application reference is 23/02373/ADV.
 - The advertisements proposed are retail shop fascia signage, projecting signage and shop window vinyls.
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Decisions

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

Preliminary Matters

3. Appeal B 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. 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.
4. The appeal site lies within the Kingston Old Town Conservation Area (CA). 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 A relates to a refusal to grant listed building consent, I have also had special regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

5. I have taken account of the recently published consultation draft on the National Planning Policy Framework (the Framework). As the draft document is currently subject to consultation, it carries very little weight. In relation to these appeals, I am satisfied that the consultation draft does not fundamentally affect the substance of the matters under appeal. As a result, I have not sought further comments from the parties on this matter.
6. The fascia signage, with swan-neck lighting; the air conditioning system; and, some of the vinyls on the side elevation of the building have already been installed. Appeal B is therefore retrospective. It is not possible to apply retrospectively for works to a listed building. Appeal A therefore seeks to retain the existing signage and air conditioning system. It also seeks consent for the other signage which would be attached to the listed building.
7. The Council raises no objection to the air conditioning system, subject to the external units being appropriately screened. Based on my site visit and the evidence before me, I have no reason to reach a contrary view to the Council on this matter.

Main Issues

8. The main issues are the effect of the advertisements and associated illumination on amenity, including whether the proposal preserves a Grade II listed building, known as '11, Thames Street' (Ref: 1080053), and any features of special architectural or historic interest that it possesses; and, whether the proposal preserves or enhances the character or appearance of the CA.
9. 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 A because paragraph 208 of the National Planning Policy Framework 2023 (the Framework) does not apply to advertisement consent appeals.

Reasons

10. '11, Thames Street' (No 11) is a Grade II listed building, which dates back to the early to mid-19th century. It is three storeys high. The upper floors are faced with grey brick with stucco dressing. The building has square headed sash windows with moulded architraves. The central first floor window of the building has a decorative frieze and console bracket pediment. The appeal site also includes No 13, which was constructed in the mid-20th century and is not listed. No 13 is a three storey end of terrace property, which is attached to the listed building. The two buildings share the same ground floor retail unit. The building has also been substantially extended to the rear, with retail on part of the ground floor and residential accommodation above.
11. The appeal property lies within the Kingston Old Town CA. The CA among other things includes a section of the River Thames and a historic market place. The significance of the CA insofar as is relevant to these appeals derives from its medieval street patterns and the high quality architecture of differing styles and periods, which signify the town's evolution as a historic market town. The

appeal property due to its historic and architectural significance makes a positive contribution to the character and appearance of the CA.

12. The proposed illuminated projecting signs would be made of polycarbonate and would be internally illuminated. The projecting signs have been designed to match the size of the fascia and the colour scheme would respect the historic environment. While I observed a variety of projecting signs in the locality, the circumstances behind the other advertisements are not before me. Projecting signs in the locality are generally more traditional in nature and predominantly consist of timber, non-illuminated hanging signs. The modern materials, use of internal illumination and the thickness of the projecting signs would fail to respect the historic environment.
13. The proposal seeks to provide a number of vinyls within the windows on the front and side elevations. The vinyls display images of some of the products supplied by the retailer. The appellant advises that some of the vinyls serve to hide solid walls which are behind the windows. I observed that two large vinyls were in place on the side elevation of the building and the other windows remained as clear glazed. The presence of clear glazing allows views into the retail unit and helps to provide a greater sense of activity along both public facing elevations of the building. While I appreciate that the vinyls are easily demountable and reversible, the large extent of vinyls proposed is visually excessive, would lead to visual clutter and would significantly detract from the amenity of the area.
14. The fascia signage consists of fret cut coloured Foamex lettering, which is fixed onto the timber fascia board. While the lettering utilises a modern material, the lettering is slimline in profile, it fits well on the timber fascia and its colour and finish do not appear out of keeping in the historic environment. As a result, I find that the fascia signs preserve the special interest of the listed building, the significance of the CA and the amenity of the locality.
15. The fascia signage is illuminated by powder coated aluminium, swan neck lights. While I observed other swan neck lighting on shopfronts in the locality, I have not been provided with the circumstances of these other schemes. I find that the swan neck lights create visual clutter, which harms the amenity of the area.
16. Notwithstanding my findings in respect to the fascia signage, for the reasons given above, I find that the proposal fails to preserve the special interest of the listed building and the significance of the CA. Consequently, the proposal harms the historic environment and the amenity of the area.

Public Benefits and Heritage Balance

17. 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.

18. 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.
19. I appreciate that the advertisements would help to attract customers to the business, which would be 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.
20. 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.
21. Given the above, I conclude that, on balance, the advertisements are harmful to amenity and fail to preserve the special interest and significance of the listed building. Furthermore, the advertisements fail to preserve the significance of the CA. As a result, Appeal A fails to satisfy the requirements of the Act and paragraph 203 of the Framework. Although not determinative for Appeal B, I have had regard to Policies CS8, DM10 and DM12 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy April 2012 and Policy HC1 of The London Plan March 2021. These policies among other things seek to preserve or enhance heritage assets of the Borough and ensure advertisements are not visually intrusive or result in an adverse effect on the character and visual amenities of the local and wider area.
22. The proposal would also conflict with the Council's Shopfront and Shopsign Design Guide Supplementary Planning Document. This SPD among other things requires that advertisements preserve the character and appearance of the building and the area.

Other Matters

23. While I acknowledge that the appellant would have appreciated the opportunity to amend the scheme during the course of the applications, this is more a matter for the Council and does not change my overall decision.
24. Although no objections were received from the general public or neighbouring occupants in respect to the advertisements and associated illumination, this does not alter my decision.

Conclusion

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

A James

INSPECTOR