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# Appeal Decision

Site visit made on 21 August 2024

**by S Ashworth BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 September 2024**

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**Appeal Ref: APP/C2741/Y/24/3343936**  
**72, Goodramgate, York YO1 7LF**

- 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 Anthony Vickers, The Old York Tea Room, against the decision of City of York Council.
  - The application Ref 23/00702/LBC, dated 18 July 2023, was refused by notice dated 13 November 2023.
  - The works proposed are painted signage above the window and on the side of the building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The works applied for have already been carried out. I have dealt with the appeal on that basis.
3. No 72 Goodramgate forms part of Lady Row, a grade I listed building. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works, special regard will be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## Main Issue

4. Accordingly, the main issue in this case is whether the works preserve the building, its setting or any features of special architectural or historic interest it possesses.

## Reasons

5. Lady Row, Nos 60-72 Goodramgate, is a row of tenements constructed, the list description advises, in 1317. The building has been in commercial use for some time. No 72, the appeal site, lies at one end of the row and is currently used as a café. The building lies within the 'Medieval Streets' character area of the Central Historic Core Conservation Area.
6. As a nationally important grade I listed building, Lady Row possesses exceptional special interest and significance derived from a combination of factors. Architecturally, the building has a simple linear form with a steeply

pitched roof. It is of timber frame construction with a protruding, or jettied, first floor, considered to be one of the earliest examples of jettied form in the country. Fenestration varies across the units but even though the premises are commercial in use, openings are generally limited in terms of their size and number and doorways are low in height, reflective of the humble domestic origins of the building.

7. No 72, has a canted bay window and a single 3x2 pane Yorkshire sash window at first floor. There is a significant gap between the top of the ground floor windows and the bottom of the first floor windows. The southern end of the building, which had suffered damage and had longstanding defects, was recently repaired and restored. That restoration included the use of specific external finishes, including the plasterwork, designed to prevent moisture becoming trapped in the fabric of the building.
8. Historically, the building is considered to be the oldest row of houses in York and one of the earliest surviving urban vernacular buildings in the country. The surviving historic fabric and the well-preserved form and simple appearance of the building contribute towards its value as a heritage asset as a tangible connection with the past.
9. The sign that forms the subject of the appeal comprises a painted image of a tea pot and lettering across the width of the unit applied directly to the painted plasterwork on the jettied section of the façade, plus smaller painted signs in similar format to the gable end and at the side of the entrance door. There are no details of the type of paint used in the signage and I cannot therefore be certain that the works are compatible with the restoration strategy.
10. It seems to me that, although the signage was applied without the benefit of listed building consent, the teapot image reflects the function of the tearoom in a playful manner and the font of the lettering has been chosen to be traditional. However, the signage, which is significantly wider than the shop window expanding across the width of the unit, dominates the front of No 72 as a result of its size and scale. As such it detracts and distracts from the simple architectural form, character and appearance of the building. It therefore has a harmful impact on the special interest of the listed building.
11. I note that there is considerable pressure for signage on the building as a whole and understand that two additional unauthorised signs had recently appeared on the upper part of the building, one of which has now been removed. Whilst all proposals are treated on their merits it seems to me that acceptance of the advertisement would set an undesirable precedent for similar further works which would cumulatively cause very significant harm.
12. I acknowledge that signage across Lady Row has changed over the years although from the evidence before me any advertisements on the building appear to have been limited in terms of their number and size. Whilst I noted examples of signs painted directly onto buildings elsewhere in the city, including at 'The Golden Slipper' further along Goodramgate, the signage in those instances better reflects the proportions of the buildings on which they are situated. In any event these buildings are of a different character to Lady Row and not, as I understand, grade I listed buildings. On the other hand, I also noted examples of discreet signage on historic commercial premises where the jettied upper parts of the buildings are largely free from distraction,

allowing the detail and quality of the architecture to remain the focus of interest.

13. I recognise that there is a tension between the requirement to preserve the listed building and ensure that the business remains economically viable. I have no doubt that the signage has helped enhance the presence of the business in the street and I can see from the amount of support for the proposal that the business, and the sign, are much appreciated by customers and passers-by. I note the appellant's contention that previous occupiers had gone out of business after a short period of time. However, I have not been made aware of all circumstances surrounding the previous uses so cannot know the degree to which signage, or lack of it, contributed to the demise of those businesses. Moreover, given the popularity of the café I am unconvinced that alternative signage would have a detrimental effect on its viability.
14. I acknowledge that there are specific challenges with regard to signage at No 72, which are not shared by other businesses in the row, partly because of the repairs that have taken place to the building. However, I am unconvinced that such a large sign in this position is the only means of successfully advertising the business. It is not for me to provide advice in the context of a s20 appeal but I have noted the Council's suggestions in that respect.
15. For the above reasons the proposal causes harm to the special interest of the building and does not therefore satisfy the weighty statutory requirement of the Act as set out above. The proposal would also conflict with Policy D5 of the draft City of York Local Plan insofar as it is relevant to this proposal for listed building consent.
16. The approach in the National Planning Policy Framework is that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. There is no evidence before me as to the viability of the business or the degree to which the proposal contributes to that and no specific evidence to demonstrate that more appropriate alternative signage would not have the same benefit as the existing. I have read that tourists are drawn to the sign and are consequently more aware of the building as a heritage asset, both externally and internally from visiting the café, than they might otherwise have been. Nevertheless, any public benefits of the proposal are limited.
18. When considering the impact of the proposal on the significance of the designated heritage asset, the Framework states that great weight should be given to the asset's conservation- the more important the asset the greater the weight should be. As this is a grade I building of the highest importance, that weight is considerable. Accordingly, the limited public benefits of the proposal do not outweigh the harm identified.
19. For these reasons, taking into account all representations received, the appeal is dismissed.

*S Ashworth*

INSPECTOR