



Appeal Decision

Site visit made on 17 June 2024

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2024

Appeal Ref: APP/Y3940/Y/23/3329879

51 Blue Boar Row, Salisbury, Wiltshire SP1 1DA

- 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 Kevin Daley of Pickled Frog Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2023/01376.
 - The works proposed are the erection of a fascia board.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The company name of the appellant is given on the appeal form as 'Pickled Blue Frog Ltd', which differs from the name given on the listed building consent application form, as used in the header above. The appellant has clarified that the name used in the header above, as stated on the application form, is the appellant in this case.
3. The list entry name on the listing description for the listed building subject of this appeal (list entry number 1355775) is given as '51, Market Place, 51, Blue Boar Row'. I shall refer to the listed building from hereon in as 51 Blue Boar Row.
4. The application subject of the appeal seeks consent for what is described as the 'erection of a fascia board'. Having regard to the plans submitted, the fascia board comprises an advertisement board featuring the name of the establishment 'Pickled Frog', with a timber framed edging located centrally on the front elevation of the building. At the time of my site visit the fascia board shown on the plans was in situ, in the location indicated. I will, therefore, determine the appeal on the basis of works already carried out.

Main Issues

5. The main issues in this appeal are whether or not the works:
 - preserve the Grade II listed building 51 Blue Boar Row or any features of special architectural or historic interest which it possesses; and
 - preserve or enhance the character or appearance of the Salisbury Conservation Area.

Reasons

Special interest and significance

6. The appeal site is occupied by the Grade II listed 51 Blue Boar Row, which is a vernacular, timber framed building. The listing description suggests that this is a 16th century building, however the City of Salisbury Conservation Area Appraisal and Management Plan, adopted December 2014 (the CAAMP), gives an earlier date for the building, suggesting that the timber framing is of late 15th century date. The special interest and significance of the listed building predominantly comes from its historic and architectural interest.
7. The building has a steep pitched gabled roof, and retains the shape and form of a timber framed building of its age. The front elevation facing Blue Boar Row is a gable end and, due to the features on this elevation, the height of the ridge, and the pitch of the roof, this façade of the building is particularly impressive.
8. There have clearly been more recent alterations to the building at ground floor, which are referred to in the evidence. I understand that works have also been undertaken to expose some of the more historic fabric of the building above the ground floor. If so, this has meant that parts of the historic timber frame above the ground floor level is clearly legible on this gable end and on the side elevation of the building facing Endless Street.
9. I acknowledge that the appearance of the building may have changed since it was listed. It may also be the case that features that appear historic are quite recent additions, including parts of the timber frame and the plastered infill sections. Nevertheless, the prominent timber frame, particularly that on the front gable facing Blue Boar Row and Market Place, demonstrates a fine example of traditional construction techniques and materials. This contributes to both the architectural and historic interest of the listed building.
10. The appeal site is within the Salisbury Conservation Area (SCA). Having regard to the CAAMP, the special interest of the SCA is historic, architectural and archaeological. The CAAMP lists the key characteristics that contribute to the SCA's special interest and significance. Those that are of most relevance to this appeal include the medieval timber-framed buildings; the high quality representation of architectural styles, materials and finishes throughout the city; medieval rooflines; and a dynamic market square.
11. The appeal site is within the core of the SCA, where the 'chequers plan' and grid layout referred to in the CAAMP is clearly legible. The CAAMP describes there being 'dynamic and varied scale' within the historic core, as well as variety in the age of buildings and, therefore, construction methods and materials. This is demonstrated in the row of buildings along Blue Boar Row, where the appeal building occupies a prominent corner plot. The CAAMP describes important corner buildings as a key characteristic of the chequers.
12. The appeal site faces onto the market place, which is a large open plaza in the heart of the historic core, described in the CAAMP as still being used for its original purpose. The CAAMP describes the buildings surrounding and within the market place as forming a group of considerable architectural and historic interest with most either statutory listed or making a positive contribution towards the character and appearance of the conservation area. Having viewed the appeal site within this context, I can only agree with the CAAMP and

find that the appeal building makes a positive contribution to the historic and architectural interest of the SCA and, therefore, its significance.

The effect of the works

13. Paragraph 205 of the National Planning Policy Framework (the Framework) informs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
14. The advertisement board subject of the appeal is centrally located on the front façade of the building, facing the market place, just above the horizontal timber above the main entrance, and below the first floor window openings. Its central position is, therefore, sympathetic to the obvious symmetry evident in the features on this front elevation of the building.
15. I acknowledge that the advertisement board has the design and proportions of a traditional fascia sign found on a typical shopfront. However, the listed building does not have a traditional shopfront. Indeed, the commercial ground floor is less prominent than the elements of the building at first floor and above. Although the advertisement is simple, it has been designed with little regard to the design and appearance of the host building and its most prominent features.
16. The board is also unsympathetic to the features on the façade of the building that accommodates it. The solid design has meant that some of the timbers in the front elevation are hidden. I acknowledge that some of the timbers covered may have been recent additions or replacements. Nevertheless, these contribute to an understanding of the building's construction and its evolution. The advertisement board has had an adverse effect on this understanding and, therefore, the historic interest of the building.
17. In addition to the above, the fascia board is sizable and to secure it, it would have required some intervention into the fabric of the building, which may be historic. Whilst the appellant suggests that historic fixing holes have been used to hang the board, I have been provided with no evidence to substantiate this.
18. Having regard to all of the above, the advertisement board does not preserve the Grade II listed building, 51 Blue Boar Row, or any features of special architectural or historic interest which it possesses. I conclude as such, having regard to the requirements of sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 1990 Act). Consequently, the works cause harm to the significance of the listed building.
19. Turning to the effect of the works on the SCA, as I have set out above, the building occupies a prominent location on a corner plot, facing the central market place. The building makes a positive contribution to the variety of architecture within the SCA, not least because the building's historic architectural features are particularly legible. For the reasons given above, the fascia board has had an adverse effect on the important architectural features of the building and, therefore, the positive contribution the building makes to the SCA. Accordingly, I can only conclude that it fails to preserve or enhance

the character or appearance of the SCA. In reaching this conclusion, I have had regard to the requirements of section 72(1) of the 1990 Act. As such, the fascia board causes harm to the significance of the SCA designated heritage asset.

Public benefits and heritage balance

20. Having regard to the nature and extent of the proposal, I find the harm caused to the significance of the designated heritage assets is individually and cumulatively less than substantial. In these circumstances, paragraph 208 of the Framework informs that, 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.
21. I have no doubt that the fascia board assists in advertising the commercial use of the premises and that this is important for the viability of the business. In this regard I acknowledge that there is an economic benefit associated with the fascia board. Whilst the appellant suggests that the current commercial use of the building would not continue, should the appeal be dismissed, I have been provided with little evidence to substantiate this. Furthermore, there is little evidence to suggest that there is not an alternative, more appropriate means of advertising the business on the elevation facing the market place. As such, I cannot conclude that the economic benefit associated with the fascia board would not be achieved by an alternative means that would preserve the Grade II listed building and preserve or enhance the character or appearance of the SCA. The weight I attribute to the economic benefit identified is, therefore, limited.
22. Having regard to the above, I cannot be satisfied that any clear and convincing justification exists for the identified harm to the significance of the designated heritage assets in this case. The Framework makes clear in paragraph 205 that great weight should be given to the conservation of a heritage asset. The public benefit I have identified is not sufficient to outweigh the harm that has occurred to the Grade II listed building and the SCA.
23. There can be no doubt that the provisions of the Framework apply to the determination of this appeal. I acknowledge, however, that as the appeal has been made under section 20 of the 1990 Act, it need not be determined in accordance with the development plan. Nevertheless, relevant development plan policies can be a material consideration in this case.
24. My attention has been drawn to Core Policy 57 (Ensuring high quality design and place shaping) and Core Policy 58 (Ensuring the conservation of the historic environment) of the Wiltshire Core Strategy, adopted January 2015. These policies require, amongst other matters, that development should protect, conserve and where possible enhance the historic environment, and that proposals should make a positive contribution to the character of Wiltshire through enhancing local distinctiveness by responding to the value of the historic environment. These policies reinforce the relevant statutory requirements of the 1990 Act and the provisions of the Framework. Regardless of whether or not the works can be regarded as development, they cannot be regarded as aligning with the requirements of these policies.

25. All things considered, I conclude that the fascia board fails to preserve the Grade II listed building and any features of special architectural or historic interest which it possesses; it fails to preserve or enhance the character and appearance of the SCA; it is in conflict with chapter 16 of the Framework; and it does not accord with the development plan policies referred to above.

Other Matters

26. I note the appellant's suggestion that the building has not been altered by the addition of the advertisement board. It would appear, therefore, that he questions the need for listed building consent for the board. There are no means to determine whether or not works to a listed building require listed building consent, other than through an appeal against a listed building enforcement notice. I will, nevertheless, respond to the point made by the appellant, in the interests of certainty.
27. Section 7 of the 1990 Act informs that, subject to certain provisions, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8. Such authorisation is referred to in the 1990 Act as listed building consent. Section 7 of the 1990 Act is endorsed by paragraph 44 of the Planning Practice Guidance on Historic environment, which makes clear that any works to alter a listed building in a way that affects its character as a building of special architectural or historic interest requires listed building consent, irrespective of whether planning permission is also required.
28. The advertisement board is attached to the front elevation of the building. It is a prominent addition to the building that has altered the legibility of the building's historic and architectural interest. For this reason, the fascia board has affected the building's character as one of special architectural or historic interest. For this reason, the works subject of this appeal have altered the building and, as such, there is a clear need for listed building consent for them.
29. My attention has been drawn to signs elsewhere, in the vicinity of the appeal site. I have limited information regarding these signs, including whether or not they have the benefit of any necessary consent. I am, therefore, unable to make an informed comparison with the scheme that is before me. Nevertheless, I have determined the appeal, having regard to the particular circumstances of this case, including the special interest and significance of the listed building that is the subject of this appeal.
30. I note the appellant's comments regarding the conduct of the Council, including the advice he was given prior to the submission of the application for listed building consent. These are not matters that can be considered within the remit of this appeal.

Conclusion

31. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR