



Appeal Decision

Site visit made on 25 February 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

Appeal Ref: APP/Y3615/Z/24/3353586

The H Bar, 3 Portsmouth Road, Guildford GU2 4BL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Ms Nicole Harper against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00988.
 - The advertisement proposed was originally described as: Two illuminated fascia signs – the letter ‘H’ and the word ‘Bar’.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicated that the proposed advertisement was in place at the time the application was made, and the evidence indicates that illumination has been turned off pending the outcome of the appeal. The Council considered the proposal as a retrospective application, and so shall I.
3. The appellant advises that there is a separate planning application for a replacement pergola with retractable covering at the rear and retention of artificial foliage to the front following removal of the existing canopy structure to the rear, which is yet to be determined, and that the appellant has agreed to remove the artificial foliage. For the avoidance of doubt, I have considered the appealed application as submitted.
4. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these are not determinative.
5. The Council's reason for refusal relates specifically to matters of amenity. No objection was raised on the grounds of public safety, and I find no reason to take a different view.
6. When dealing with an appeal for an advertisement in a conservation area, the test from Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area”. This statutory duty applies in advertisement appeals insofar as it relates to the consideration of ‘amenity’.

Main Issue

7. The main issue is the effect of the proposed advertisement on the amenity of the area, including whether it would preserve or enhance the character or appearance of the Millmead and Portsmouth Road Conservation Area (CA).

Reasons

8. There is no conservation area appraisal before me to set out the significance of the CA, but the appellant's evidence includes a report proposing its designation dated April 1989. The absence of an appraisal does not diminish the protected heritage status of the CA or override the statutory duty in section 72(1) of the Act.
9. It seems to me that the significance of the CA stems from its historic and architectural interest to include period buildings, as well as the convergence and alignment of historic routes towards the town centre of Guildford and a crossing point over the River Wey, including routes descending from The Mount and along Portsmouth Road. Buildings in the CA vary in scale, age and style and there is a broad range of uses.
10. The evidence indicates that the appeal property appears to be a long-standing public house (PH) dating back to 1844, once named the Cannon Inn. The building is set back from the footway with a shallow frontage serving as outdoor seating space and a small parking area. A three-storey block of flats is located opposite to the corner of The Mount and includes windows facing the PH which likely serve habitable rooms, with a pedestrian crossing in between. Immediately adjacent to the PH is a three-storey brick-built office building and on the opposite side there is a 'co-living' residential development under construction (The Plaza) comprising blocks of varying storeys. The adjacent block would be six storeys and appears to be positioned to the back of the footway. The PH is thus enclosed by taller buildings to each side of its frontage. Due to its siting and relationship to the adjacent forms, the building appears in limited direct views along Portsmouth Road and in prominent view when descending from The Mount.
11. The plan form of the building is irregular, such that a two-storey elevation in a Victorian style is angled away from the street and includes period proportioned windows, before wrapping around to meet a single storey elevation facing the street. My reading of the building is that this angled two storey elevation is likely to be original, but there is a parapet wall above which appears to be a later addition. This elevation is rendered at the ground floor level, with reddish brown hanging tiles above cut in a scallop shape, such that the appellant is of the view that they are unlikely to be original. The single storey element includes the entrance with a roof terrace above and appears of a more contemporary period. The appellant advises that the front façade was added sometime in the 1970's and the evidence before me indicates that this façade included fascia signage.
12. The original roof structure includes chimney stacks and clay roof tiles with side facing gables finished with red hanging tiles of a more traditional and historic appearance. The front elevation and roofscape are in clear view when descending from The Mount. A free-standing post to accommodate a hanging sign is also within the frontage and appears to be of a more contemporary period, but without any hanging sign. Views of the rear of the building are available from Bury Street, to include its boundary walling and likely cellars, although it seems to me that the rear elevation includes further additions to the original building.

13. Drawing all of the above together, the building makes a positive contribution to the historic significance of the CA, despite the presence of nearby taller and more contemporary forms. Even though there have been various additions and modifications over time, the building retains original features for the enjoyment of future generations.
14. The proposed advertisements are positioned at first floor height on the front facing part of the two-storey elevation. The H sign is made of scaffold board/treated timber and is of a considerable size at 1.5m x 1.1m. It would be back lit, with LED halo lighting at 42.5cd/sqm. The second sign is comprised of yellow neon tubing at a maximum 685cd/sqm, to form the letters of the word “Bar” and is about 0.5m x 0.3m positioned below and slightly offset from the H sign.
15. Due to the sheer scale of the H sign, it would dominate the front elevation of the building. In combination with its partnering ‘Bar’ sign, and their combined illumination methods, the advertisements would be very large, bright and visually striking, detracting from the domestic scale proportions of the existing building, its front elevation and its remaining original features. The two signs would appear as a very large, bright intrusive feature in the street scene (as the appellant’s photographs show) in limited but prominent view along a short section of Portsmouth Road and from some habitable windows in the flats opposite, and in prominent and clear view when descending from The Mount.
16. The proposed advertisement would be in stark contrast to the existing advertisements in the area. During my visit I saw a small number of advertisements in the immediate area on a small number of commercial premises near the corner of junction with The Mount, Portsmouth Road and the High Street. These advertisements are generally small-scale fascia signage with some overhead illumination and thus do not appear intrusive within the street scene or in views from Portsmouth Road, The Mount or the High Street.
17. While I appreciate that the purpose of an advertisement or sign is to attract attention and/or increase custom and the PH is within a town centre location, the fact of the matter is that the proposed advertisement is highly discordant to the domestic scale of the building and detracts from its original features, at a point where the converging routes form a key part of the significance of the CA. The lack of wider angles of view along the immediate frontage and the presence of later additions to the building has limited bearing on my considerations, as I am duty bound to consider the character or appearance of the CA as a whole. Likewise, the scale of adjacent development does not of itself justify the scale of any proposed advertisement and/or a high degree of illumination such that it would dominate the elevation of the building and be significantly intrusive.
18. For the above reasons, I conclude that the proposed advertisement harms visual amenity, and fails to preserve or enhance the character or appearance of the CA.
19. I have considered the provisions of the development plan insofar as relevant to the matter of amenity. Taken together, Policies D10, D18 and D20 of the Guildford Borough Local Plan: Development Management Policies 2023 (LPDMP) and Policy D3 of the Guildford Borough Local Plan: Strategy and Sites 2019 seek to ensure that advertisements do not harm amenity, taking into account various factors including but not limited to the effect upon heritage assets and the character and appearance of an area; and that advertisements respect the

elevation and proportions of the building and complement the street scene in terms of (among other things) their scale, materials, and degree of illumination. As I have concluded that the proposed advertisement would harm amenity, the proposal conflicts with these development policies. For the same reason, the proposal conflicts with paragraph 141 of the Framework which sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

20. I note that the Council's officer report which considered the application balances the harms and benefits of the proposed advertisement in light of Chapter 16 of the Framework, and the appellant's evidence also addresses this matter. However, the question of less than substantial or substantial harm in the Framework is not relevant to advertisement consent applications, as this only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
21. The appellant draws my attention to LPDMP Policy ID8, which concerns the retention of public houses. The policy wording is confined to development proposals resulting in the loss or partial loss of a PH. Consequently, this policy is not relevant to issues of amenity regarding advertisements. However, the appellant merely wishes to draw attention to the supporting text which sets out the Council's concerns regarding the loss of PHs which provide local and community facilities and are part of an important sector of the economy, considered to be under pressure and threat. In the appellant's view, the proposed advertisement would assist in safeguarding the future of the PH by attracting custom and contributing to its vitality and vibrancy and the night-time economy. However, in accordance with the Regulations I am confined to the matters of amenity and public safety.

Other Matters

22. The main parties agree that the proposed advertisement would have no adverse impact on the setting of a nearby listed building at 2,4 and 6 High Street – south side. Having regard to the listed building entry before me and the relationship with the appeal site, I find no reason to disagree.

Conclusion

23. For the reasons above, I conclude that the proposed advertisement would harm amenity and therefore the appeal should be dismissed.

J Moore

INSPECTOR