



Appeal Decisions

Site visit made on 19 May 2025

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an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal A Ref: APP/B1605/Y/24/3355508

Beards The Jewellers, 70 Promenade, Cheltenham GL50 1NA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Waite and Son Jewellers Ltd (Beards) against the decision of Cheltenham Borough Council.
 - The application Ref is 23/01325/LBC.
 - The works are various signage (3 no. logos, 1no. clock sign, 1no. door handle sign and 1no. projecting sign).
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Appeal B Ref: APP/B1605/H/24/3355509

Beards The Jewellers, 70 Promenade, Cheltenham GL50 1NA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations (the Regulations) 2007 against a refusal to grant express consent.
 - The appeal is made by Waite and Son Jewellers Ltd (Beards) against the decision of Cheltenham Borough Council.
 - The application Ref is 23/01325/ADV.
 - The advertisements are various signage (3 no. logos, 1no. clock sign, 1no. door handle sign and 1no. projecting sign).
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Decision

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

Preliminary Matters

2. The signage relates to a shop with separate brand watch and jewellers sales areas. The shop is at the corner intersection of two streets, the Promenade and Ormond Place.
3. In appeal A, the Council, in refusing listed building consent, objected to a logo (transom) sign, positioned above an entrance door, and clock sign for the watch sales area of the shop. It also objected to a projecting box sign serving the jewellers sales area of the shop and the cumulative visual effect of the signage. Under its listed building consent decision, the Council has not objected to the logo fascia and entrance door handle for the watch sales area of the shop. However, as it has not consented to these signs, through a split decision, this decision will consider the merits of all the signage, and particularly the fascia signs.
4. Conversely, in Appeal B, the advertisement consent decision will only consider the merits of the clock sign, the transom sign and the projecting box sign because the Council, in issuing a split decision, consented the logo fascia signs and the handle sign for the watch sales part of the shop.

5. The decisions here address both listed building consent and advertisement consent appeals under their different development management regimes. The main issues relating to both schemes are set out below and to avoid repetition and for the avoidance of doubt, both appeals have been considered within a single decision letter. Nevertheless, my assessment recognises that the remit of each regime is different.
6. For the listed building appeal A, the decision's reasoning has regard to s16(2) of the Planning (Listed Buildings and Conservation Areas) (the Act) 1990, which requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. As it applies to the exercise of functions under the planning acts, regard has also been given to s72(1) of the Act where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. For the advertisement appeal B, regulation 3(1) indicates assessment is confined to interests of amenity and public safety, taking into account the development plan, in so far as material and other relevant factors. The respective statutory duty from s16(2) of the Act applies solely to listed building consent regime. Nevertheless, the regulations state factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. For the reasons given above, the test from s72(1) is also applicable in so far as it relates to the consideration of 'amenity'.
8. The signage has been erected and the scheme has been treated as retrospective in the assessment for these decisions. Main parties were consulted on the acceptability or otherwise of using red coloured perspex lettering for the watch brand transom and fascia signs, and whether the watch brand transom sign is illuminated for clarity. The descriptions for the scheme in the listed building and advertisement express consent appeals, in the banner headings for these decisions, has been agreed between the appellant and Council.

Main Issues

9. In Appeal A, the main issues are whether the works (a) preserve the Grade II listed building known as 66, 68 and 70 Promenade, its setting or any features of special architectural or historic interest it possesses and (b) preserve or enhance the character or appearance of the Cheltenham Central Conservation Area.
10. In Appeal B, the main issue is the effect of the advertisements on amenity, having regard to the listed building and Conservation Area.

Reasoning

Heritage Assets

11. The appeal building, a listed building, has a new shopfront through the implementation of a recent planning and listed building consent which provided an additional entrance (for the watch sales area), removed stall risers and enlarged shopfront windows. These alterations have resulted in a whitish section of shopfront for the watch sales area on the Promenade and a short section of Ormond Place, and a dark coloured section of shopfront for the jewellers sales area

on the remaining part of Ormond Place. The listed building lies within the Central Conservation Area.

12. The listed building's architecture follows a distinctive 'Regency' style, with stucco plaster over brick, pilaster detailing around windows, a hipped slate roof and deep roof eaves overhang. The statutory list entry (number 1387643) indicates the original building was a house but subsequently converted into two shops, with ranges to the rear, and dates to 1820-40. Alterations, including the conversion to shops, probably took place pre-1945. The listed building, including no 66 Promenade, contains a total of 6 first floor windows, with stucco detailing including Doric pilasters around windows and sash windows and the 1/1 pane configurations, have been replaced in plain reveals and tooled architraves. On the Promenade frontage, the three first floor windows to the right (No 70) are taller with lower placed cills. On return elevation along Ormond Place, there are 3 first floor windows and two 2nd floor windows, all configured as 6/6 sashes. Such architectural detailing results in a grand and imposing classical frontage on the Promenade and Ormond Place, despite the latter being less uniform in window positioning and spacing on this elevation,
13. Of historical note, the entry notes that the Promenade was laid out in 1818 as a tree-lined avenue from the Colonnade in the High Street to the Sherborne Spa and by 1826, it was a carriage drive with a spacious gravelled walk on each side. Furthermore, although originally on either side, there were rows of elegant houses, By 1845 when Rowe wrote his Cheltenham Guide (1850), nearly the whole of the lefthand side was devoted to professional or business establishments. As such, the listed building's role in the historical development of Cheltenham is of particular value and importance. It is these historical and architecture qualities, especially its 'Regency' style and its part in the development of a key street within Cheltenham, that contributes to the significance of the heritage asset.
14. The new shopfront is painted timber with pilasters at regular intervals, with glazing in between, shop fascias with cornice, banding and console/corbet features. The traditional design and detailing of the new shopfront respects and complements the 'Regency' style of the building.
15. The Central Conservation Area covers a wide area of the town, including the central shopping area and outlying residential areas, that reflect the evolution of the settlement over time. The appeal site is located within the Montpellier Character Area designated under the Draft Management Character Area Appraisal (CAA) and Management Plan¹. The CAA indicates spas played a quintessential role in the development of the town during the 19th century and that the area contains predominantly Regency buildings within many complete and uniform formal terraces and large villas set within spacious grounds. The Royal Crescent is regarded as the towns' first major piece of Regency architecture and there are many important landmark buildings, including the Queens Hotel, Municipal Offices, Everyman Theatre and Cavendish House, which influence the character and appearance of Montpellier area.
16. The appeal site lies within the Promenade, the town centre's southern spine road and, as indicated by the CAA, it is one of the town's most visually striking streets. As the listed building entry indicates, it is a distinctive early 19th century tree-lined

¹ Central Conservation Area 2, Montpellier Character Area Appraisal and Management Plan – Draft, Cheltenham Borough Council, 2017.

avenue connecting with Sherborne Spa and became a carriage drive with spacious walks on either side. Distinctive Regency buildings are present in the Promenade, at Nos. 60, 63 and 64, 52-48 (terrace), 50, 33-45 (terrace) and 47-83 (terrace). Further Regency buildings, including terraces, also lie to the south of the side beyond the junction of the Promenade and Ormond Place.

17. Within this part of the Conservation Area, key qualities are classical architecture, stuccoed terraces and buildings, and planned streets. Buildings of the Regency period illustrate the prosperous nature of the town during the early 19th century. It is these historical and architectural qualities that are of great importance and value and contribute to the significance of the heritage asset. Due to its age and high quality design qualities, the appeal building, in its lawfully consented state, would have contributed positively to the character and appearance of the Conservation Area.

Effects of proposals

18. For the watch sales section of the shopfront, there would be watch brand logos on fascias on the Promenade and Ormond Place, and the transom glazed area above the entrance. There would also be a projecting watch styled clock sign, telling the time, on the Promenade at fascia level and a logo styled door handle on the glazed front entrance door. On the jewellers section of the shopfront, there is a projecting sign on a pilaster feature of the shopfront.
19. Policy HE3 of the Cheltenham Plan (CP) 2020 indicates advertisements will be supported providing that they are appropriate in type, size, colour, illumination and siting. Advertisements must also respect the character of the building, site and surrounding area and be of an appropriate high standard of design and finish. It further states internally illuminated signage will not be permitted in Conservation Area and projecting signs will be resisted in the Promenade. Under the Council's Shopfront Design Guide: A Guide for Owners, Designers and Shopfitters (SDG) states internally illuminated signs are out of character on buildings of period design.
20. On the two fascias, the brand watch logos are externally illuminated through halo lighting and constructed of red coloured plexglass perspex. The backlit halo lighting illumination creates a subtle corona effect around each letter. The lettering of the logo signs are coloured red with an orange/gold base. Such colouring, especially the shiny external red surface of the lettering appears brash, modern, and incongruous given the traditional materials and design qualities of the listed building. The transom sign is not illuminated but it also has shiny red coloured lettering resulting in similar unsympathetic appearance to the listed building. Outside of opening hours, there would be steel shutters down over the shopfront and entrance with transom sign. Nevertheless, these signs adverse visibility is noticeable during the day.
21. Section 3.5 of the SPD refers to the use of painted softwood where appropriate for older shopfronts. It also states other materials such as chrome, marble, plaster and tile may be appropriate which does indicate a range of materials may be used. Other similar signage examples have been cited, including a luxury toiletries brand shop opposite the appeal site. However, this shop opposite has darker less brash lettering in its signage. There is a range of materials used for shopfront fascia lettering in the vicinity but less shiny and single coloured lettering, results in a more traditional finish that is sympathetic to the older character and appearance of listed

- buildings, based on what I saw on my site visit. Many of the transom signs were also more discrete because they related to deeper recessed entrance doorways.
22. The projecting clock sign is internally illuminated and constructed of plated steel, a watch face on either side, coloured off-white, with numbers debossed in gold plate and gold coloured rim. It projects out from the building approximately 0.9m, with a clock face diameter and depth of approximately 0.7m and 0.3m respectively. Given its size, it appears bulky for a hanging sign and has extensive use of gold colour and internal illumination. Such bulkiness and brashness are out of keeping with the more refined features and subdued colouring on the listed building and other historic buildings within the Conservation Area.
 23. Previously, an identical clock sign was given planning consent and the clock was similar in design and materials, and prominent, albeit it was to be sited on Ormond Place, close to the corner intersection of this street with the Promenade. However, these approvals were given prior to the adoption of CP Policy HE3 in 2020 which places an emphasis on signage being appropriate in type, size, colour, illumination and siting, and that specifically, internally illuminated signs will be resisted in the Promenade. Based on the officer's report, there is little evidence that the significance of the listed building and Conservation Area were evaluated and consequently, it has not been demonstrated that a full heritage assessment of the clock sign was undertaken. Therefore, given the value and importance of the Promenade, these are significant differences with the current scheme, and only limited weight can be given to this consideration.
 24. For the jewellers sales section of the shop, the projecting sign is sited below the fascia on a shopfront pilaster, constructed of a mirror finished (polished steel) material and its lettering are illuminated from within. Such positioning appears visually awkward below the fascia and its modern constructed material and illumination, is not discreet, contrasting markedly with a traditional painted timber shopfront.
 25. The appellant would accept a planning condition restricting illumination of both the clock sign and the projecting box sign to shop opening hours. However, the heritage concerns relate to other considerations other than just illumination and therefore, this measure would not overcome the objections detailed here.
 26. Recently, planning consents have been given for new signage, including a projecting sign, at 16 Promenade which is a listed building. However, the projecting sign is more traditional being of a hanging type, slimmer in construction and externally illuminated. Therefore, it can be differentiated from both the projecting signs. Other nearby hanging signs have been cited for an optician's and shoe shop on Ormond Place. However, these hanging signs are externally illuminated, more closely related to existing fascia signage in terms of position at the same level or close to, and traditionally designed. Similarly, projecting signs at 1-19 Promenade are located mostly at the same level as existing fascia level, of a more traditional design and externally illuminated.
 27. There is a hanging sign at a nearby furniture shop on Ormond Place and a projecting illuminated box sign for a brand of watch at 1 Promenade. However, both signs are an exception to the general rule of hanging signs being located at fascia level. Furthermore, the furniture shop hanging sign is on a building positioned away from the more valued and important part of the Conservation Area,

the Promenade. The projecting box has similarities with the jewellers box sign, in being not positioned at fascia level but it's positioned high up on the wall of a shop unit is noticeably out of kilter with other projecting signs. As a result, it reinforces my view that the jewellers box sign is harmful.

28. The permitted shopfront has resulted in two distinct parts to the shop, with a jewellers and watch sales areas, and therefore, further signage will be required for the shopfront. However, there are cumulative effects in the number of advertisements the shopfront. The jewellers box sign adds clutter adversely affecting the appearance and character of this 'Regency' designed listed building within the Conservation Area.

Heritage and Planning Balance

29. For all these reasons, in appeal A, there would be less than substantial harm to the significance of the listed building and although localised, to the Conservation Area, as a whole, as required to be identified under the National Planning Policy Framework (the Framework). There would be conflict with s16(2) and s72(2) of the Act. Similarly, in appeal B, there would be harm to amenity having regard to the listed building and Conservation Area, in so far as relevant.
30. Under paragraph 215 of the Framework, where there is less than substantial harm to the significance of designated heritage assets, as is the case here in appeal A, this harm should be weighed against the public benefits of a scheme including, where appropriate, securing its optimum viable use. In this regard, the existing jewellers shop has existed for some time and the signage serves to facilitate an attractive new retail frontage allowing two complimentary brands to trade side by side within the same unit. Brand recognition is an important part of the retail experience as it helps customers make choices on what to buy and assists the local economy, helping to sustain the vitality and viability of the shopping area. Consequently, moderate weight is attached to this economic public benefit.
31. However, in considering whether to grant planning permission, there would be conflict with the Act in respect of the listed building and Conservation Area matters. The scale of less than substantial harm to the Conservation Area would be less than that for the listed building because its adverse effect would be over a larger area. Nevertheless, considerable weight has to be attached to the harms for each heritage asset. In light of the forgoing, the public benefit would not be sufficient to outweigh the less than substantial harm identified for the works, and the considerable importance and weight this carries in the heritage balances, for each adversely affected asset.
32. For appeal A, in failing to comply with the legislative listed building and Conservation Area requirements, the works are contrary to Policies HE3, D1 and D2 of the CP and Policies SD4 and SD8 of the Joint Core Strategy 2017, which collectively and amongst other matters, require appropriate signage, avoidance of harm to the architectural integrity of the building and alterations to buildings to preserve the historic environment. As a result, there would be conflict with the development plan taken as a whole. There are no material considerations that warrant determining the appeal otherwise. For appeal B, in so far as relevant to the amenity consideration, the conflict with policy indicates the advertisement consent should not be granted for the transom and projecting box signs.

33. There are no objections to the symbol used as a door handle on the brand watch section of the shopfront. In this instance, split listed building consent has been considered but discounted due to the substantial objections to the scheme as a whole.

Conclusions

34. For the reasons given above and having regard to all other matters raised, appeals A and B should be dismissed.

Jonathon Parsons

INSPECTOR