
Appeal Decisions

Site visit made on 11 August 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal A Ref: APP/T3725/W/25/3364295

91-93 Regent Street, Leamington Spa, CV32 4NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Gail's Ltd against the decision of Warwick District Council.
 - The application Ref is W/24/1567.
 - The development proposed is described on the application form as: 'Installation of 2no. metal awning boxes and retractable fabric awnings, with lettering to valance of right sided awning; installation of halo-lit fascia lettering, to be installed above shopfront door and fanlight; installation of non-illuminated hanging sign, to be located on left sided capital; repainting of shopfront'.
-

Appeal B Ref: APP/T3725/Y/25/3364296

91-93 Regent Street, Leamington Spa, CV32 4NT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Gail's Ltd against the decision of Warwick District Council.
 - The application Ref is W/24/1569/LB.
 - The works proposed are described on the application form as: 'Installation of 2no. metal awning boxes and retractable fabric awnings, with lettering to valance of right sided awning; installation of halo-lit fascia lettering, to be installed above shopfront door and fanlight; installation of non-illuminated hanging sign, to be located on left sided capital; repainting of shopfront'.
-

Appeal C Ref: APP/T3725/Z/25/3364299

91-93 Regent Street, Leamington Spa, CV32 4NT

- 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 Gail's Ltd against the decision of Warwick District Council.
 - The application Ref is W/24/1568.
 - The advertisement proposed is described on the application form as: 'Installation of 2no. metal awning boxes and retractable fabric awnings, with lettering to valance of right sided awning; installation of halo-lit fascia lettering, to be installed above shopfront door and fanlight; installation of non-illuminated hanging sign, to be located on left sided capital'.
-

Decisions

1. Appeal A is dismissed in so far as it relates to the installation of 2no. metal awning boxes and retractable awnings. Appeal A is allowed in so far as it relates to the installation of doors to the front elevation, such that planning permission is granted for the installation of doors to the front elevation at 91-93 Regent Street, Leamington Spa CV32 4NT in accordance with the terms of the application, Ref W/24/1567, subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: 021000; 063000 P03 (only in so far as these plans relate to the installation of doors to the front elevation).

2. Appeal B is dismissed in so far as it relates to the installation of 2no. metal awning boxes and retractable awnings. Appeal B is allowed in so far as it relates to all other elements of the proposal, such that listed building consent is granted for the installation of 1no. halo-illuminated fascia sign, 1no. non-illuminated hanging sign off a bracket, doors to the front elevation, and repainting of shopfront and doors at 91-93 Regent Street, Leamington Spa CV32 4NT in accordance with the terms of the application Ref W/24/1569/LB, subject to the following condition:
 - 1) The works hereby permitted shall be carried out/retained in accordance with the following approved plans and specifications contained therein: 063002; 063000 P03 (only in so far as these plans relate to the installation of 1no. halo-illuminated fascia sign, 1no. non-illuminated hanging sign off a bracket, doors to the front elevation, and repainting of shopfront and doors to the front elevation).
3. Appeal C is dismissed in so far as it relates to the display of 1no. retractable awning. Appeal C is allowed in so far as it relates to the display of 1no. non-illuminated hanging sign off a bracket, such that express consent is granted for the display of 1no. non-illuminated hanging sign off a bracket at 91-93 Regent Street, Leamington Spa CV32 4NT in accordance with the terms of the application, Ref W/24/1568. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Regulations.

Preliminary Matters

4. These decisions address planning, listed building consent, and advertisement consent appeals for the same site and differing elements of the same scheme. Whilst the remit of each regime is different, to reduce repetition and for the avoidance of doubt, I have dealt with the three appeals together within a single decision letter whilst having regard to the statutory duties that apply under Sections 16(2), 66(1) and 72(1) of the Act wherever applicable to do so.
5. For the purposes of my Decisions section above, I have used descriptions of proposed development¹, works² and advertisements³ adapted from those stated on the respective application forms and Decision Notices. This is for the purposes of ensuring all relevant elements of development and works are referenced consistently and concisely where necessary and reflects the Council's issuing of a split decision when determining the application that is now the subject of Appeal C (i.e. there is no need for me to consider the merits of already consented adverts). I am content that no party with a potential interest in the outcome of any of the appeals is prejudiced by me taking this approach.
6. As was apparent upon inspection, metal awning boxes, retractable awnings, doors, halo-illuminated fascia signage, non-illuminated hanging signage, and repainting works have already been installed/undertaken at the site. However, there is not full conformity when the plans for determination are compared to the installations I observed upon inspection. Moreover, the metal awning boxes and associated retractable awnings, as well as the non-illuminated hanging signage, occupied different positions on the front elevation when compared to as depicted on-plan. Further, discrepancies in terms of awning valance lettering were apparent.

¹ Installation of 2no. metal awning boxes and retractable awnings, and doors to the front elevation (W/24/1567).

² Installation of 2no. metal awning boxes and retractable awnings, 1no. halo-illuminated fascia sign, 1no. non-illuminated hanging sign off a bracket, doors to the front elevation, and repainting of shopfront and doors (W/24/1569/LB).

³ Display of 1no. retractable awning and 1no. non-illuminated hanging sign off a bracket (W/24/1568).

7. For the avoidance of doubt, my determinations are based upon the proposals that are specifically illustrated upon the submitted plans as opposed to what I observed to have been installed/displayed at the site itself. I am thus considering the proposals on a part-retrospective basis. As a further point of clarity, whilst Section 8(3) of the Act provides for 'retrospective' listed building consent being granted, this would only be effective from the date of consent rather than at any prior point in time.
8. In respect of Appeal C, the Regulations regarding advertisements state that control may only be exercised in the interests of amenity and public safety. As such, for the purposes of Appeal C, I shall have regard to the policies of the development plan only in so far as they are relevant to these matters.

Policy Context

9. Policy BE1 of the Warwick District Local Plan (September 2017) (the LP) sets out that, amongst other provisions, new development should contribute positively to the character and quality of its environment. Meanwhile, Policy HE1 of the LP refers to designated heritage assets and weighing public benefits against identified harms.
10. Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan (June 2020) (the NDP) requires the impact upon the heritage significance of conservation areas to be addressed. Meanwhile, Policy RLS16 of the same document requires, amongst other provisions, new and replacement shopfronts to retain and enhance the Town Centre's distinctive character and to be designed to be of a form that does not obscure and retains traditional features of the host building.
11. Of further direct relevance to my deliberations, the Council has published Historic Building Guidance in the form of Shopfronts and Advertisements – Royal Leamington Spa (June 2010) (the Guidance) which incorporates advice specific to the Regent Street / Warwick Street area. Amongst other provisions, the Guidance indicates that, in lieu of the typically informal and individual character of buildings, there is room for some diversity in shopfront design while respecting the overall form, proportions and scale of the buildings. The Guidance also sets out that traditional hanging signs may be permitted in certain instances.

Main Issues

12. The main issues, common to Appeals A, B and C, are:
 - Whether or not the proposals would preserve the Grade II listed building known as '91 and 93, Regent Street' (the LB) and any features of special architectural or historic interest that it possesses; and
 - Whether or not the proposals would preserve or enhance the character or appearance of the Leamington Spa Conservation Area (the CA).

Reasons

The LB

13. The LB is Grade II Listed and comprises a three-storey terraced building of early 19th-century origin. It was formerly The Golden Lion Inn – a very early New Town property. The LB's significance and special interest as a designated heritage asset

is drawn, in-part, from its age, prominence in the streetscene, traditional materials, decorative front façade, and the relevance of its historic Inn use to the evolution of the area. This significance and special interest remains readily appreciable despite late-20th century ground floor alterations in association with a former change of use to a bank. Moreover, whilst the shopfront has evolved such that limited original historic material is likely to remain at ground floor to the front elevation, an elaborate entablature and other well-proportioned architectural features respect the traditional character and composition of the LB's front façade taken as a whole.

14. As regards the proposed metal awning boxes and retractable awnings, it is set out in the appellant's Statement of Case that the design of the shopfront allows for the awning boxes to sit under an existing cornice detail so as to result in no interruption of the existing shopfront structure and no obscuration of the entablature. However, this is not reflected upon the plans that are before me for determination whereby awning boxes are depicted not under said cornice detail but forward from it. As such, the boxes, if installed as proposed, would sit proud of the property's entablature so as to appear as unduly prominent modern additions to the shopfront.
15. The proposed retractable awnings, when considered in isolation, would be of simple open-ended specification and relatively modest size. Thus, notwithstanding their colour, I do not accept any assertion made that they would become the main feature of the three-storey building in question. Even so, the awnings, especially when considered in conjunction with the metal boxes that would house them, would obscure and compete with existing decorative features so as to detract from the LB's historic narrative. Indeed, the property's entablature would be obscured to an unacceptably high degree. Moreover, uncharacteristic and unduly conspicuous visual clutter would be added to the LB's front façade to the detriment of the property's special architectural and historic interest.
16. As regards doors, the scheme features three matching sets of multi-panelled timber doors in the positions of original apertures, so to the centre and to the eastern and western ends of the shop front. It is the case that the central set of doors has been in-situ for a considerable period of time having been installed as part of the appeal property's former conversion to a bank when they offered a single entry point from Regent Street. Previous to this, the evidence before me indicates that panelled doors of traditional composition were in place.
17. Concerns have been raised that the design of the installed doors reflects neither the former nor historic character of the door(s). However, whilst a direct replica of the original installations is not offered and the provision of repeated multi-panelled openings is not supported by the Council, it remains that doors of a solid appearance and traditional material are before me for determination. Further, their multi-panelled design is not harmfully incongruent with the remainder of the shopfront and satisfactorily respects the overall form, style, and traditional character of the LB in my view. I note that no objection has been forthcoming from the Council as regards the repainting of the shopfront and its doors, and I have no reason to take a different stance.
18. As regards halo-illuminated signage to the fascia, this is small-sized and logically located so as to not cause harm. I come to the same finding with respect to the intended non-illuminated hanging sign. Indeed, it would be of modest size, inoffensively designed in a blade style, and sensitively positioned above the fascia area of the frontage so as to represent a somewhat discreet low-key addition to the

LB. Whilst an original hanging bracket remains in place at first floor, in the circumstances just explained, it would, in my view, be neither proportionate nor justified to insist upon its utilisation.

19. For the above reasons, whilst various elements of the scheme suitably preserve (or would suitably preserve) the LB, the proposed metal awning boxes and retractable awnings would fail to preserve the LB and features of special architectural or historic interest that it possesses. The degree of harm to the significance of the LB as a designated heritage asset would, under the terms of the National Planning Policy Framework (December 2024) (the Framework), be less than substantial. Both the Framework and Policy HE1 of the LP require less than substantial harm caused by a development proposal to the significance of a designated heritage asset to be weighed against public benefits, which I shall return to in my Heritage Balance below.

The CA

20. The significance and special interest of the CA is drawn, in part, from its well-planned and often formal layout as well as from its wide array of featureful historic buildings and a prevalence of Regency architecture. The LB comprises a prominent and grand historic building located within the heart of the CA.
21. As already identified, a part of the proposals, comprised of the installation of metal awning boxes and retractable canopies, would cause harm to the heritage significance and special interest of an important building within the CA as a consequence of comprising unduly prominent and unsympathetic modern additions. It thus follows that – notwithstanding the diversity in shopfront design that is applicable within the specific part of the CA in question and the presence of other awnings in the immediate locality, including those consented at 97-99 Regent Street, albeit of differing precise specification – there would be a residual harmful effect upon the character and appearance of the CA when taken as a whole.
22. For the avoidance of doubt, I am content that the applied for doors, signage, and repainting works have preserved (or would preserve) the character and appearance of the CA in lieu of their somewhat modest implications, satisfactorily sympathetic design/composition, and the specific makeup of the site's immediate surroundings.
23. For the above reasons, whilst various elements of the scheme preserve or would preserve the CA, the proposed metal awning boxes and retractable awnings would fail to preserve the character or appearance of the CA. As a consequence, less than substantial harm to the heritage significance of the CA as a designated heritage asset would be caused.

Heritage and Planning Balance

24. I have identified above that the scheme – more specifically the proposed metal awning boxes and retractable awnings – would cause less than substantial harm to the heritage significance of both the LB and the CA.
25. In terms of public benefits, it has been suggested that the proposals contribute to the improved vitality and viability of the town having supported the reoccupation of a prominent commercial unit and thus associated footfall and job creation. Even so, it has not been robustly demonstrated that the alterations/additions in the

manner applied for are strictly essential for such purposes. I thus attach limited weight to any such public benefits in these senses.

26. This leads me to conclude that, in the circumstances here, the public benefits do not outweigh the less than substantial harm that I have identified would be caused to the significance of either the LB or the CA. Indeed, despite being towards the lower end of the less than substantial scale in the case of both designated assets, the identified harms carry considerable importance and attract great weight. Conflict therefore arises with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policies BE1 and HE1 of the LP, Policies RLS3 and RLS16 of the NDP, and the Guidance, in so far as these policies and guidance seek to ensure new development contributes positively to the character and quality of its environment.
27. As such, the development proposal that is the subject of Appeal A (when considered as a whole) conflicts with the development plan when read as a whole and material considerations do not outweigh that conflict. For the avoidance of doubt, in light of my findings in a heritage sense, it is my judgement that the one retractable awning that is the subject of Appeal C would cause harm of an unacceptable degree to the amenity of the area.
28. However, whilst I find the proposed awning boxes and retractable awnings to be unacceptable under the guise of each appeal, there is no justification for me to withhold granting planning permission, listed building consent, or advertisement consent for other elements of the proposals where they have not caused (or would not cause) material harm. Moreover, as the awning boxes and awnings are severable from these other elements, I am able to issue split decisions.

Conditions

29. Draft lists of suggested conditions have been provided by the Council with respect to each appeal, which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to the lists for consistency and/or clarity purposes.
30. In respect of Appeal A, a plans condition is reasonable to impose in the interests of certainty. I have only listed plans relevant to the development permitted. On the basis that development has already commenced, a condition dictating when development shall be begun is not justified.
31. In respect of Appeal B, a plans condition is reasonable for the sake of clarity. Further, as works have already commenced, it is not reasonable to set a time limit for commencement.
32. In respect of Appeal C, as I am not consenting illuminated signage, no condition related to the specification of illumination is necessary. There are, however, five standard conditions set out in the Regulations that shall apply.

Conclusion

33. For the above reasons, Appeals A, B and C are each allowed only in-part.

Andrew Smith

INSPECTOR