



Appeal Decisions

Site visit made on 1 August 2012

by **Anthony J Wharton BArch RIBA RIAS MRTPI**

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

Decision date: 5 September 2012

Appeal A - Ref: APP/H0738/E/12/2173222

Big Mammals, 5 Harland Place, Stockton-on-Tees TS20 1AL

- 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 Peshawa Mohammed against the decision of Stockton-on-Tees Borough Council.
- The application Ref 12/0002/LBC, dated 2 January 2012, was refused by notice dated 13 February 2012.
- The works proposed are: an individual neon lettering Box Sign.

Appeal B - Ref: APP/H0738/H/12/2173220

Big Mammals, 5 Harland Place, Stockton-on-Tees TS20 1AL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Peshawa Mohammed against the decision of Stockton-on-Tees Borough Council.
- The application Ref 12/0001/ADV, dated 2 January 2012 was refused by notice dated 13 February 2012.
- The works proposed are: an individual neon lettering Box Sign

Decisions

1. Appeal A is dismissed and listed building consent for an individual neon lettering Box Sign is refused. Appeal B is also dismissed.

Reasons

2. The appeal building is located within the Norton Conservation Area in Harland Place. The building is listed in Grade II and operates at ground floor level as a hot food takeaway. The adjacent properties comprise a wine bar and a hairdressing salon and on the opposite side of Harland Place lies the White Swan Public House.
3. . The main issues are the effect of the neon box sign on the visual amenity of this part of Norton and the effect on the character and appearance of the Listed Building and on the Norton Conservation Area.
4. In considering whether to grant listed building consent in Appeal A, and in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), special regard must be had to the desirability of preserving the building or its setting or any features or special architectural or historic interest. Section 72 of the same act requires that special attention must also be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. With regard to Appeal B and express consent for the advertisement, the considerations relate to the effect on visual amenity only since there are no issues relating to the effect of the sign on highway safety.

5. The Council and the appellant refer to Planning Policy Statement 5: Planning for the Historic Environment and Planning Policy Guidance 19. However, these have been replaced by policies within the National Planning Policy Framework (the Framework). In section 12 the Framework sets out national policies for the conservation and enhancement of our historic environment. In particular the Framework indicates that when considering the impact of any proposal on a designated heritage asset, great weight should be given to its conservation and it indicates that the significance of the asset can be harmed or lost through alteration. The question in this case is whether or not the alteration caused by the neon box sign has caused harm to the listed building, the conservation area and the visual amenity of this part of Norton. The aims of the relevant Framework policies align with the duties set out in Sections 16(2) and 72 of the Act.

6. The neon box sign is around 4.6m in length with a height of around 400mm. The sign has a depth of around 150mm and stands proud of the original fascia line. The neon signage reads 'Big Mamas' and shows a telephone number in smaller lettering. Having seen it from both near and distant viewpoints I share Council's concerns relating to its effect on the listed building itself and on the character and appearance of the Conservation Area.

7. Despite the fact that it was already in place, the protruding box structure itself looks bulky and clumsy. The combination of the box with the neon lighting set within it has, in my view, resulted in an incongruous and obtrusive feature which detracts from the appearance of the listed building and affects its overall appearance. The type of lettering and the means of illumination are entirely out of character with the simple frontage of the building and other signage in the locality. The sign is seen as a jarring and intrusive feature within the streetscape. Whilst accepting that the building has been altered over the years and that there is other inappropriate signage on nearby buildings, I consider that this particular neon box sign should not be granted listed building or advertisement consent.

8. The sign is harmful to the character of the listed building and it follows that it neither preserves nor enhances the character or appearance of the Norton Conservation Area. Appeal A, therefore, fails. In relation to Appeal B the sign is visually harmful to the conservation area and visual amenity in this part of Norton. This appeal, therefore also fails.

9. In reaching my conclusions in these appeals I have taken into account all of the other matters put forward in support of the retention of the neon sign. These include the detailed grounds of appeal set out in the statement, including the facts that the appellant had been unaware of the need to apply for the various consents and that the new signage is unchanged in size. I have also noted the comments in relation to Policies EN26 and SPG1; the matters relating to other signage within Norton; the points raised on relevant case law and the positive approach to planning set out in 'Planning for Growth' and other social, economic and environmental policies within the Framework.

10. However, none of these matters carries sufficient weight to outweigh my conclusions on the harm caused by this particular neon sign to the listed building and the character and appearance of the listed building. Nor is any other matter of such significance so as to alter my decision. Both appeals, therefore, fail.

Anthony J Wharton

Inspector