

Planning Committee: 09 December 2003
Investigation No: ACT198/19/03

Principal Item Number: 9

Town/Parish Council: Warwick

Case Officer: Mike Duffett
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ICON House, 12 – 14 Jury Street, Warwick

The unauthorised display of a non illuminated advertisements on the front and rear elevation of the Grade II Listed Building – for Mr G Hall

SUMMARY OF REPRESENTATIONS

In May 2003 it was brought to our attention that a number of non illuminated advertisement boards had been fixed below each of the ground floor windows on the front elevation and a large advertisement had been painted onto the blank brick rear elevation at first floor level of the Grade II listed building. Part of the rear advertisement consisted of red numbers, and partly grey/black letters on a white background. A letter was also received from the Warwick Society with regard to the displays on the front elevation which confirmed that they had no record of any advertisement consent application being made.

The site was visited by the Enforcement Officer and a letter was sent to the occupiers of the building (Internet Café). The letter explained that the alterations did not have the benefit of listed building consent and that it was unlikely that the advertisements would obtain retrospective consent because of their adverse visual impact upon the character and appearance of the building.

During June and July 2003 negotiations took place between the owner occupiers and the Conservation Section to explore the type and size of advertisements which would be more likely to be acceptable, and it was anticipated following these discussions that a listed building consent application would be made. No application has to date been received and all of the advertisements continue to be displayed with continued local concern.

PLANNING HISTORY

In 1993 planning permission was granted for the change of use of the ground floor of no.12 to a retail premises (Application W930795) and approval was also obtained for non-illuminated fascia lettering on the front elevation. (Application W930896LB). In 1995 whilst the building was being marketed an agency letting board was approved. (W950800LB)

In May 2002 the change of use of the ground floor of both no.12 and no.14 from a retail shop to an internet café was granted planning permission without any restrictive conditions. (W20020593)

RELEVANT POLICIES

The site is a Grade II listed building located within the Warwick Conservation Area. The Environment and Conservation section of the 1995 Warwick District Local plan sets out a number of specific policy objectives which are applicable. The relevant policies with regard to the protection of listed buildings and the character of Conservation Areas are policy **(DW) ENV6 and (DW) ENV8** – Conservation Area, and **(DW) ENV11** and **(DW) ENV12** which relate to proposed works to listed buildings and the protection of their setting.

As the work carried out relates to advertisements then policy **(DW) ENV20** is also relevant because it states that normally advertisements that are detrimental to the character or appearance of buildings will not be permitted.

KEY ISSUES

The Site and its Location

The building known as 'Icon house' is a tall three storey Grade II listed building located in a prominent position on the lower part of Jury Street within the Warwick Conservation Area. The front elevation has highly distinctive decorative timber panelling on the upper floors, and although one building in style retains the two entrance doors on the ground floor reflecting its original use as two dwellings.

The rear elevation is of simple form dominated by a two storey pitched gable on the rear wing which faced towards the residential property of Castle Lane House, and the grounds of Warwick Castle beyond.

Details of the Development

The alleged breach of listed building control is (a) The unauthorised display of the non illuminated advertisement boards below each of the ground floor windows on the front elevation; and (b) The unauthorised painting of brickwork in association with the provision of lettering and numbers of the rear elevation without the benefit of listed building consent.

Assessment

There is a need to ensure that the display of advertisements on any listed building, especially those that have historically not been used for commercial use are sympathetic to the character and appearance of the listed building, and its setting in the street scene and the immediate locality. In this case there are not only amenity issues associated with the protection of the integrity of the listed building, but also more general amenity concerns because of the location of the building in a Conservation Area, the proximity of a residential property and that of the grounds of Warwick Castle.

1. What evidence is there of a breach of listed building control?

The introduction of all the advertisements has been in association with the change of use of the ground floor into an internet café, and there was previously no similar type of advertisements on display either on the front or rear elevations. Listed Building consent is required for any works to a listed building which would materially affect the character or appearance of the structure. Each of the advertisement boards on the front elevation are approximately 0.3 sq. metres in size and being located immediately below the window sill appears as a new element on the frontage of such significance that there has been a 'material' change which should have been the subject of a prior consent application.

With regard to the rear elevation, this has previously been clear of advertisements. The painting of red numbers and large letters at first floor level has introduced a completely new external feature which is purely for directional/advertisement display purposes and therefore should also have been the subject of a prior consent application.

2. Amenity and policy related considerations

Icon house is a very attractive building in a Conservation Area in close proximity to a number of other listed buildings fronting Jury Street, and therefore it is extremely important to ensure that its special character and appearance is protected from the introduction of unacceptable advertisements. The presence of five display boards below each of the ground floor windows is considered to represent advertisement "clutter" which detracts from the traditional appearance of the elevation by visually linking the plinth of the building with the sash windows above. The adverse impact upon the street scene, and therefore the character of the Conservation Area is considerable, because the advertisement boards are close to the pavement and highly visible to those either walking or travelling by car along the principal through road of Jury Street.

The rear advertisement also has a serious detrimental impact upon the character of the listed building because the back elevation has previously had a blank neutral appearance which complemented the scale and appearance of the adjacent brick buildings. This compatibility has been destroyed by the painted advertisement and numbering which has been introduced. The adverse visual impact when viewed from parts of Castle Lane may be hidden from certain angles by an adjacent high boundary wall, but the amenity of a neighbouring resident of Castle Lane has been adversely affected. The grounds of Warwick Castle are close by and with extensive views of the historic town of Warwick being possible from the Castle the impact of the advertisement on the general amenity of this part of the Conservation Area is considered to be quite significant.

In policy terms it is essential to maintain or enhance the character and appearance of the Conservation Area and, and the continued display of the advertisements on both the front and rear elevation do not achieve this objective. With regard to Icon house itself its special character is being adversely affected and therefore there is clearly non compliance with a number of local plan policies, those as specified above.

3. Justification for enforcement action

In view of the detrimental visual impact associated with the introduction of the advertisements on a Grade II listed building situated in a Conservation Area the service of a listed building Enforcement Notice is the only option available to resolve the current breach of listed building control. The occupiers have failed to come forward with any alternative scheme within a reasonable time period. The intention is to serve two Notices, one for the front elevation and one for the rear elevation, because each of the elevations has its own particular characteristics and different type of breach. The compliance requirements will be for the removal of all the advertisements, and with regard to the rear elevation there will be a need for discussions to take place to ensure that the painted advertisement can be removed without permanently damaging the existing affected brickwork.

RECOMMENDATION

That enforcement action be authorised to require the removal of five advertisement boards on the front elevation and the removal of the painted advertisement on the rear elevation of the listed building. The period for compliance to be two months for the advertisement boards and four months for the painted advertisement because of the need to obtain specialist advice to minimise damage to the existing affected bricks.

Background papers

WDC letter to the occupier 15 May 2003 and their reply of 19 May 2003