



Appeal Decision

Site Visit made on 20 October 2020

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/C1950/Z/20/3255002

Aqua Ristorante Ltd, 28 High Street, WELWYN, AL6 9EQ

- 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 Aqua Ristorante Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2020/0423/ADV, dated 12 February 2020, was refused by notice dated 17 June 2020.
 - The advertisement proposed is a banner to be installed to the side of the building facing the car park.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Welwyn Hatfield Draft Local Plan 2016 (the Draft Local Plan) has been submitted for examination but has yet to be found sound and adopted. Therefore, it attracts limited weight as a material consideration.

Main Issue

3. The control of advertisements is exercisable only with respect to amenity and public safety. In this instance, the main issue is the effect of the proposed advertisement on amenity.

Reasons

4. The appeal property is a restaurant within a large timber and brick building prominently situated on a corner formed by the High Street and the River Mimram. Across the river is a public car park and the open space created adds prominence to the side elevation of the appeal building. The appeal site is located within the Welwyn Village Historic Core Conservation Area (the CA). 28 High Street and its neighbour, No 30, are Grade II Listed Buildings (the LBs).
5. The significance of the CA derives from the grouping of heritage assets, and the historic development of the village. The character and appearance of the CA in this vicinity is of an open, spacious area, faced onto by buildings of modest scale and various designs with the river creating a sense of verdancy and a focal point. The significance of the listed buildings derives from their

vernacular design which makes a positive contribution to the character and appearance of the CA.

6. In accordance with the statutory duties set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Overall the character of the area is of a busy traditional high street.
7. The application is for the installation of a large banner sign which would be sited on the side elevation of the building, facing the car park across the river. This façade of the building features a pleasing arrangement of white painted brick and timber clad walls incorporating a number of small paned windows and gables surmounted by a roof of weathered tiles. The site is highly visible and this façade of the building and the river to its front make a significant contribution to the character and appearance of the area. As such, the context of the appeal site is highly sensitive.
8. The banner would straddle across the interface between the timber and the brickwork, introducing a large, dark oblong feature unrelated to the spacing of the window apertures. The placement, proportions, and basic appearance of the banner are not reflective of the existing materials and layout of this façade, resulting in a dominant, discordant and inharmonious feature.
9. For the reasons set out above, the advertisement appears in a prominent location on the High Street as a visually intrusive feature cluttering the building façade and would therefore fail to preserve or enhance the character and appearance of the Conservation Area. Consequently, I conclude that the advertisement has a harmful effect on amenity.
10. I am sensitive to the current difficulties being experienced within the hospitality sector resultant from the effects of measures seeking to control the spread of Covid-19. However, whilst the advertisement would only be displayed for a temporary period, this is not sufficient justification to allow a proposal which would have a harmful effect on amenity in this sensitive location.
11. I have taken into account the provisions of the development plan, so far as they are material, in accordance with the Regulations¹. The proposal would not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would not comply with Policies D1 and D2 of the Welwyn Hatfield District Plan (2005), in as much as these require that the proposal should respect and relate to the character and context of the area and accord with the advice provided by the Welwyn Hatfield Supplementary Design Guidance -2005- (the SDG).
12. In this regard the SDG expects that attention should be given to the design, size and location of signs so that they preserve or enhance the character and appearance of the Conservation Area and advises that the sensitive positioning of signs and the use of appropriate materials is vital to good design. The proposal would fail to comply with these expectations.
13. The proposal would also be contrary to the aims of section 16 of the National Planning Policy Framework (2019) which seeks to conserve and enhance the historic environment.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

14. Whilst carrying limited weight the proposal would be contrary to Policy SADM15 of the Draft Local Plan in as much as this requires development to respect the character and appearance of heritage assets and historic environment. These matters of non-compliance are material to the case. I have concluded that the advertisement would harm amenity, and thus does not accord with these policies, the SPG or national policy.

Conclusion

15. The advertisement would support a local business and provide benefits to the wider community through increased economic activity. However there is no evidence that this benefit is of sufficient magnitude to outweigh the harm caused by the advertisement to the amenity of the area.
16. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and the appeal is dismissed.

I Dyer

INSPECTOR