



Appeal Decision

Site visit made on 12 September 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/J1915/Z/23/3319994

34 Amwell End, Ware, Hertfordshire SG12 9HW

- 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 Betting Shop Operations Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1842/ADV, dated 30 August 2022, was refused by notice dated 14 February 2023.
 - The advertisement is 2 internally illuminated fascia signs.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the signs on the amenity of the area including the Ware Conservation Area (CA).

Procedural Matters

3. The parties have drawn my attention to the policies considered to be relevant to this appeal and I have taken them into account. However, powers under the Control of Advertisements Regulations may only be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Council does not raise any objections to the signage on public safety grounds and I see no reason to disagree.

Reasons

5. The site forms a mid-twentieth century extension to a parade of shops addressing the corner of Amwell End and is within the Ware CA.
6. The position of the site within the CA means that S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. Therefore special attention should be paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is the concentration of historic buildings at the core of Ware. This part of the CA does contain a number of historic buildings where are of relatively modest scaled two and three storey buildings under tiled roofs. There is however evidence of more modern infill development including a larger redevelopment to the north. Many of the retail units to older buildings feature traditional style shop frontages with stall risers and panelled glazing. Advertising signage to shops remains relatively low key

- within the area, is sometimes in a traditional handwritten lettering, and almost universally non-illuminated or externally illuminated.
7. The fascia signs are black and green and internally illuminated. The internal illumination of the signs at the appeal site are quite jarring by comparison to other adverts nearby. The proposal would be harmful to the amenity of the area by reason of the size of the signage, manner of internal illumination and position on prominent corner. They cause harm, albeit less than substantial harm and fail to preserve or enhance the character or appearance of the CA.
 8. I have had regard to previous decisions referenced by the appellant. I note that these were considered under a differing policy framework and the signage was externally illuminated and is therefore materially different.
 9. I have further noted other signage along Amwell End referred to in the appellant's evidence. From my site visit, these all appear to be non-illuminated or externally illuminated. The adverts at 'Fuoco's' and 'The Lighthouse' appear to be externally backlit individual letters and non-illuminated respectively. They are therefore not directly comparable. In any case, they are both set within the profile of the new building to the north of the site and seen in a different context.
 10. A lack of street lighting on this corner has been nominated as a public benefit, however this could be more practicably resolved through adding additional lighting columns or improving and existing street lighting. No evidence has been provided to me that would suggest additional lighting would enhance public safety, nor that this is a concern in any case.
 11. In conclusion, the fascia signs are detrimental to the amenity of the area and fail to preserve or enhance the character or appearance of the Ware CA. The signs do not accord with policies HA1, HA4 and HA6 of the East Herts District Local Plan 2018 of which Policy HA6(b) specifically notes that internally illuminated signs within the CA will not be permitted.

Conclusion

12. For the reasons given above the appeal is dismissed.

Nick Bowden

INSPECTOR