



Appeal Decision

Site visit made on 3 June 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/B1930/Z/22/3308654

The Silver Cup Ph, St Albans Road, Harpenden, Hertfordshire AL5 2JF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wells and Co against the decision of St Albans City Council.
 - The application Ref is 5/22/1659.
 - The advertisement proposed is display of four externally illuminated fascia signs, one externally illuminated projecting fascia sign, one internally illuminated hanging sign, two nonilluminated fascia signs, three internally illuminated poster cases, eight LED floodlights and four lanterns.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council issued a split decision in which express advertisement consent was granted for advertisements identified as A1, A2, D and E on the submitted drawings¹ but refused for advertisements identified as new gable board (B) and hanging sign (C). For the avoidance of doubt, my consideration relates only to the new gable board (B) and hanging sign (C).
3. I have taken the description of the proposal from the Council's decision notice as this was the description used as part of the split decision.
4. It was evident from my site visit that the hanging sign (C) had already been erected and I have proceeded on this basis.

Main Issue

5. The main issue is the effect of the advertisements on the amenity of the area.

Reasons

6. The appeal property is a two-storey public house which sits in a prominent location on St Albans Road close to a short row of residential properties. The Council has identified the building as a locally listed building for its positive contribution to local character and sense of place and I see no reason to disagree with this. As a locally listed building, it contributes positively to the character and appearance of this part of the Harpenden Conservation Area

¹ THE SILVER CUP. HARPENDEN. WELLS & CO. 14.6.22. 17866 - PLANNING AH (PLANNING 2 DD 05.08.22), indicative image and existing and proposed elevations.

(HCA). This part of the HCA draws its significance from its historic buildings, layout and proximity to Harpenden Common.

7. As the appeal site is within the HCA, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The Regulations², the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. The PPG states³ factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore, as the PPG sets out, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.
9. The proposed new gable board (B) sign would provide visibility of the business to members of the public on approach from Leyton Road travelling south. There are no similar signs or other advertisements immediately visible in the street scene close to and surrounding the site when travelling on this approach. Given the use of aluminium with vinyl lettering in combination with its size, illumination and location covering an existing window on the building, the advertisement would be prominent, atypical and jarringly different to its surroundings. This harm would not be overcome even if the sign was to be non-illuminated.
10. The proposed hanging sign (C) is in position and appears to be in the same location as a previous hanging sign on this part of the building, where it projects out towards the footway. It is highly visible from both the northern and southern approaches along St Albans Road. From longer and medium-range views, the hanging sign is seen with more modern illuminated infrastructure, such as streetlights. However, at closer range views, due to its size and position alongside being partially internally illuminated with modern aluminium construction, it harshly contrasts with and fails to reflect the historic nature and appearance of the host building.
11. The appellant highlights that the hanging sign is similar to a previous advert in this position. Based on the limited evidence presented, it appears that the previous advertisement was not internally illuminated. Given the uncertainty over the previous hanging sign, I have not given significant weight to this matter. Moreover, I have determined the appeal on its own merits.
12. For the reasons set out above, the advertisements fail to preserve or enhance the character and appearance of the HCA and the setting of the locally listed host building. Consequently, I conclude that the advertisements have a harmful effect on amenity.
13. I note that the main parties make reference to a number of development plan policies and the Framework. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently,

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007

³ Paragraph: 079 Reference ID: 18b-079-20140306 dated 06 March 2014

in my determination of this appeal, these matters have not, themselves, been decisive.

Other Matters

14. The Council raised no objection to the proposal in relation to public safety, subject to the imposition of conditions. I have no reason to disagree.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR