



Appeal Decision

Site visit made on 9 October 2024

by Ian McHugh DipTP MRTPI

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

Decision date: 25 November 2024

Appeal Ref: APP/J1915/Z/24/3348015

34 Amwell End, Ware, 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 Mr Peter Jowett, Betting Shop Operations Ltd against the decision of East Herts Council.
 - The application Ref 3/24/0351/ADV, dated 19 February 2024, was refused by notice dated 21 May 2024.
 - The advertisement proposed is two externally illuminated fascia signs.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the area, including the effect on the character and appearance of the Ware Conservation Area (CA).

Reasons

3. The appeal relates to the appellant's business premises, which is a betting office situated within both the town centre and the CA. Commercial uses predominate in the vicinity of the appeal site and, consequently, advertising, both illuminated and non-illuminated are common. There is also a mix of external and internally illuminated signs in the locality.
4. The CA covers much of the town centre and its historic core. The ages, scale, and design of buildings within the CA vary. The appeal property itself is a relatively modern building, which is of no particular architectural merit. However, it is situated in a prominent corner position at the edge of the CA and, as a result, it impacts on the appearance of the streetscene.
5. The current appeal proposal is effectively a resubmission following an earlier refusal and appeal dismissal (APP/J1915/Z/23/3319994) for internally illuminated fascia signs. In reaching my decision, I have considered the relevant history and I have also taken into account that the proposal is similar to the fascia signage that previously existed on the building.
6. The proposal is now to retain two externally illuminated fascia signs, which have been installed on the front and on part of the side elevations. They were not illuminated at the time of my site visit, but the proposal is for illumination

by trough lighting. The lettering and symbol on the signs are green, white, and red, set against a black background.

7. The Council considers that the proposed display would detract from the character of the streetscene and would fail to preserve or enhance the character of the CA. It cites policies HA1, HA4, HA6, DES4 and DES6 of the East Herts District Plan 2018 (DP). Policies HA1 and HA4 generally seek to ensure that proposals preserve or enhance the character or appearance of the CA, whilst Policy HA6 lists criteria for determining advertisement proposals in the CA. These include a preference for non-illuminated signage or discreet external illumination if necessary. Policies DE4 and DE6 seek to ensure good design and for adverts to respect the character and appearance of the environment.
8. The DP policies are not determinative when considering proposals for advertisement consent, which should be considered solely with regard to amenity and public safety. Nevertheless, the policies help to guide decision makers, when assessing a proposal. I note that the Council has no concerns about public safety and I have no reason to depart from that view.
9. Whilst the building is of little architectural merit, its position on the corner of Amwell End and Broadmeads means that it is a prominent feature in the streetscene. It is a location in which I observed large numbers of pedestrians and vehicular traffic entering the town centre from, amongst other places, a college, the town's railway station and Hertford Road.
10. Although the appellant has sought to address the concerns of the earlier appeal inspector, by proposing external illumination, I consider that the form, depth, and extent of the signage to be unduly dominant on the building and it detracts from the amenity of the area.
11. In reaching my decision, I have considered the nature and form of other signage in the vicinity of the appeal site and the comparable types of illumination. Notwithstanding, it is the prominent position of the appeal building that primarily sets it apart from others.
12. I have also considered the possible benefits of increased public safety, due to the external lighting and the benefits of advertising to the appellant's business. However, these could be achieved in other ways, or by a different form of signage.

Conclusion

13. It is concluded that the proposal is harmful to the amenity of the area and to the character and appearance of the CA. The harm is not outweighed by any public benefits and accordingly, the appeal is dismissed.

Ian McHugh

INSPECTOR