



Appeal Decision

Site visit made on 13 August 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/J1915/Z/25/3367039

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 (as amended) 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 is 3/25/0244/ADV.
 - The advertisement proposed is erection of 1no. externally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall 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. The Council's reason for refusal relates specifically to matters of amenity. There was no objection raised on the grounds of public safety, and I find no reason to take a different view on that matter.
3. The appeal site is located within the Ware Conservation Area (CA). I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. This duty applies in an advertisement appeal insofar as it relates to the consideration of amenity.
4. The appeal site is also close to The Spread Eagle, 35 Amwell End, 33 Amwell End and 29-31 Amwell End, all of which are Grade II listed buildings. Whilst the statutory duty from Section 66(1) of the Act does not apply to advertisement appeals, the presence of these heritage assets is a material consideration, again in the context of considering the effect on amenity.
5. As far as the National Planning Policy Framework (the Framework) is concerned, when determining advertisement consent appeals affecting a conservation area, or in relation to a listed building, the question of less than substantial or substantial harm is not relevant, as the policy only applies to the heritage related consent regimes under the Act. It is also not necessary to undertake the weighing of public benefits against any heritage harm. I have however, considered the positive attributes of the proposal and taken these into account in reaching my decision.

Main Issue

6. The main issue is the effect of the proposal on the amenity of the area, with particular regard to designated heritage assets including the Ware CA.

Reasons

7. The appeal site features a two-storey building which occupies a prominent corner plot at the junction of Amwell End and Broadmeads. The principal elevation of the building is orientated at a 45-degree angle such that it addresses both streets. The site forms one of a number of modern commercial buildings within the CA, on the western side of Amwell End. Whilst advertisements are a frequent feature in the area, there is an overall lack of co-ordination in shop fronts and fascia designs. Retail units are varied in date and style, with many of the units to older buildings featuring traditional elements within their designs.
8. The significance of the CA lies partly in the concentration of historic buildings at the core of the town. This is evidenced by the presence of listed buildings immediately opposite the appeal site, as referred to above. Both 29-31 Amwell End and The Spread Eagle are relatively modestly formed two storey buildings. Between these, 33 Amwell End and 35 Amwell End are three stories in height, albeit the third storey of 35 Amwell End is served by roof dormers. Insofar as is relevant to the appeal before me, the significance of these asset's reflects that of the CA within which they stand.
9. The proposed advertisement would be an externally illuminated fascia sign with a total width of 7255mm, height of 625mm and depth of 100mm. Within the fascia, there would be stencil cut lettering of a perspex material. The main box of the fascia would be constructed from timber and have a black painted finish. The lettering, and associated logo would be green, red and white.
10. Both parties have referred to an extensive planning history on the site including applications for advertisement consent which have been subject to appeal proceedings. I note that appeal reference APP/J1915/H/09/2116675 was allowed by decision dated 5 August 2010 and that this related to externally illuminated advertisements with individually cut letters. This would have been considered under a differing policy framework. It therefore does not justify a flexible approach in respect to advertisements within conservation areas, given that I must have regard to the Framework in my decision. I have also been provided with only limited details within the evidence in relation to the precise design of those advertisements (for example their colour finish). I am therefore unable to conclude that they would have been directly comparable to the appeal scheme before me.
11. I have also considered the previously dismissed appeal reference APP/J1915/Z/23/331994 but this related to internally illuminated fascia signs. Whilst the details in relation to this case provide context to the evolution of the proposed advertisement design, its relevance is otherwise limited given the Inspector found harm relating to the internal illumination of the proposed advertisements.
12. The most recent, and most relevant, appeal decision which has been provided is appeal reference APP/J1915/Z/24/334015 which related to two externally illuminated fascia signs. This appeal was dismissed. The Inspector considered the *'form, depth, and extent of the signage to be unduly dominant on the building'* to a

degree that it was considered to detract from the amenity of the area. Despite the acknowledgement of other signage in the vicinity, the prominent position of the appeal building was considered to set it apart from others.

13. The appellant has sought to address the harm identified by the previous Inspector. The differences include that the scheme before me now proposes one advertisement rather than two, the fascia would be smaller in size and depth, and the material palette has changed.
14. The removal of the proposed fascia on the Broadmeads elevation has reduced the extent of the proposed signage when compared to the previously dismissed appeal. Nevertheless, the size of the proposed advertisement on the main building elevation would only be marginally smaller in width, height and depth than that considered by the previous Inspector. It is this elevation which holds the most prominence in the street scene given its corner positioning.
15. Even in the acknowledgement of the now timber construction proposed for the fascia boxing, the bold and contrasting colour finishes between the boxing and the letters and logo would emphasise the dominance of the proposed advertisement. A lack of objection to this specific point in the consultation of an earlier scheme does not alter my findings. I note that other buildings in the area have black fascia's, and that there is no uniform nature to the colour of signage in the area. Nevertheless, I have not been presented with, nor did I observe any examples of signage which had as bold of a colour contrast as that in the appeal scheme before me.
16. The advertisement would be externally illuminated through a trough light. Although luminance of advertisements is not a common feature within the area, the modest extent of the trough lighting (across the lettering rather than the whole width of the fascia) would be an acceptable approach in the context of the area.
17. Despite the revisions when compared to the previously dismissed scheme, the proposed advertisement would overall have a similar visual appearance. It would therefore still be unduly dominant to the building and consequently detract from the amenity of the area.
18. I note that the appellant considers any further reduction in fascia width would be disproportionate to the shopfront. It is also stated that a more traditional approach would be at odds with the modern appearance of the building. However, I have assessed the appeal based on the details before me. I cannot compare this to a form of speculative alternate design that I do not have full details of.
19. The appellant states that the proposal would lead to an enhancement to the CA given that the signage previously in place clearly detracted from its setting. At the time of my site visit, there was no signage in place on the building (other than internal advertisements applied to the glazing). Whilst a photograph of previous signage has been provided, the evidence suggests that this did not have the benefit of advertisement consent. Nevertheless, for the reasons above, the proposed advertisement is not considered to lead to an enhancement to the CA.
20. Based on the above, I conclude that the proposal would have a harmful effect on the amenity of the area. It would harm the character and appearance of the Ware CA as well as the significance of the listed buildings on the opposite side of

Amwell End, through development within their setting. It would therefore not meet the expectations of the Act.

21. The proposal would also conflict with Policies HA6, DES4 and DES6 of the East Herts District Plan (EHDP) (2018) as far as they are material to this case. Policy HA6 of the EHDP in particular expects advertisements in conservation areas to be of a proportionate size and design in relation to the building to which they are to be displayed. Policies DES4 and DES6 of the EHDP seek, amongst other matters for proposals to be of a high standard of design, which in relation to advertisements must respect the character and appearance of the environment. There is also conflict with the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

22. The appellant has referred me to an appeal decision which accepted the company's standard branding and colour palette within a Conservation Area in Basingstoke (APP/H1705/Z/24/3352896). Having reviewed that decision, the Inspector in that case found the size and scale of the signage to sit comfortably and proportionally within the wider area. Specifically, the colours were considered in the context of the wider street scene in which that appeal scheme related. It therefore does not set a precedent for the appeal scheme before me, which is in an entirely different context.
23. It is suggested that the proposed illumination would have associated public safety benefits in illuminating the corner of Amwell End where there is a lack of streetlights. However, this benefit, if required, could be achieved by alternative means such as the installation of more streetlights. I therefore do not consider that it would outweigh the harm to amenity which I have identified.

Conclusion

24. For the reasons given above, I conclude that whilst there is no harm to public safety, the appeal proposal would be detrimental to the interests of amenity. Therefore, the appeal is dismissed.

L Gardner

INSPECTOR