
Appeal Decisions

Site visit made on 16 November 2015

by **Peter Rose BA MRTPI DMS MCMi**

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

Decision date: 04 December 2015

Appeal A Ref: APP/J1915/Y/15/3097687

Café Rouge, 3 Parliament Square, Hertford, Hertfordshire SG14 1EX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Tragus Holdings against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/0313/LBC, dated 9 February 2015, was refused by notice dated 16 April 2015.
 - The works proposed are described as 'like for like change of signage'.
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Appeal B Ref: APP/J1915/H/15/3087258

Café Rouge, 3 Parliament Square, Hertford, Hertfordshire SG14 1EX

- 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 Tragus Holdings against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/0312/ADV, dated 9 February 2015, was refused by notice dated 16 April 2015.
 - The advertisements proposed are fascia sign, projection sign and awnings.
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Decisions

1. The appeals are dismissed.

Procedural Matters

2. At the time of my visit, advertising was displayed very similar to that set out in the applications, and the appellant has confirmed that the proposals are in place. There are no provisions for retrospective listed building consent or express advertisement consent, however, and these appeals are determined with reference to the proposed details as shown on the submitted drawings and which formed the basis of the Council's decisions.
3. I note in relation to **Appeal B** that the Council has issued a split decision. In particular, the decision notice grants advertisement consent for the proposed awning, but refuses consent for the proposed fascia sign and hanging sign. The fascia and hanging signs therefore form the subject of my consideration of **Appeal B**, and they are also the focus of the Council's refusal of listed building consent in **Appeal A**.

Main Issues

4. The main issue in relation to **Appeal A** is effect of the proposed scheme upon the special architectural and historic interest of Nos 1-3 Parliament Square, a grade II listed building and, in particular, whether the proposal would preserve the building or its setting or any features of special architectural or historic interest which it possesses.
5. In relation to **Appeal B**, the control of advertisements is exercisable only with respect to amenity and public safety. The main issue in this appeal relates to whether the proposed displays would be harmful to amenity. In this respect, it is also my statutory duty to have regard to the effect of the proposal upon the character and appearance of the surrounding Hertford Conservation Area. I am also mindful that the site forms part of a grade II listed building as a relevant material consideration of local amenity.

Reasons

Appeal A

6. The appeal site comprises part of a three-storey mid-terrace building and is occupied as a restaurant.
7. The significance of the appeal site as part of a building of special architectural and historic interest relates to its heritage and form. No 1 and No 3 combine as an interesting and impressive historic building dating from the 1870's and occupy a prominent position within the historic heart of Hertford Town Centre. The site fronts Parliament Square and is adjacent to, and overlooks, a large and distinctive war memorial to the north west.
8. At ground floor, the front elevation of No 3 contains a relatively modern shopfront with awning. The second floor comprises three 8-pane sash windows as part of a wider pattern of fenestration extending across No 1. The first floor to No 3 has a grey painted full width showroom window sub-divided into a fairly regular pattern of smaller panes, also similar to that at No 1. The first floors to the appeal site and No 1 are each set below fascia boards where the appeal premises display further advertising in the form of individual gold letters. Features of the elevation include a pitched slate roof, cornice, stucco, pilasters and other historic detailing.
9. The proposals in dispute involve an externally illuminated fascia sign at ground floor with individual built-up perspex letters and set within an aluminium tray, and a projecting sign at first floor also externally illuminated but with individual flat-cut perspex letters on a timber frame. The Council's objection relates to the proposed external materials, and I agree with the authority's assessment that the scale and overall design of the displays would not otherwise be harmful.
10. I acknowledge that the scheme endeavours to provide a high quality design sympathetic to its surroundings. That is achieved insofar as the proposals involve individual lettering and are part of an overall shopfront design which reverts back to a more traditional appearance with gold letters on a restrained dark red background. Nevertheless, the displays would be highly visible and the modern perspex and aluminium finishes would appear conspicuous within the historic frontage. The contrasting, modern texture of the displays and their inherent sheen and accompanying contemporary character would be readily

apparent and would so present a discordant finish relative to the more traditional features and impression of the wider elevation. The fascia would also be exposed to the side given that it would sit slightly forward of the main building line, and would be illuminated.

11. The appellant maintains that, from any distance, both of the signs would look exactly the same whatever material is used. I disagree as, notwithstanding the presence of a modern ground floor shopfront, I find that the unsympathetic materials of the displays, allied to their overall extent, height and position, would create visually dissenting features viewed against the more refined historic character of the main elevation.
12. The resultant incongruous relationship would harm the significance of the listed building by reducing its visual presence and by detracting from its impressive appearance. As such, the building would not be preserved but would be harmed.
13. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. There is a clear presumption in this duty that preservation is desirable, and I find that the special interest of Nos 1-3 would be diminished by the proposed scheme such that it would fail to preserve the significance of the listed building.
14. Despite the impact upon the significance of the designated asset, I consider that the extent of harm to the building would be less than substantial. Thus, it is necessary to consider, in accordance with the National Planning Policy Framework (the Framework), whether there would be public benefits to the scheme sufficient to outweigh that harm. I recognise the commercial significance of advertising to the restaurant, and acknowledge the selected materials may be less prone to weathering and deterioration than some, but that does result in a stark appearance which is harmful. I also have no reason to conclude that the particular materials which are the subject of this appeal represent the only means of effective, durable advertising. From the evidence before me, I have found no overall public benefits sufficient to outweigh the harm likely to arise to the listed building.
15. Hence I conclude that the proposed works would be harmful to the special architectural and historic interest of Nos 1-3 Parliament Square, a grade II listed building, and contrary to the Framework which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Appeal B

16. The appeal site is located within a setting of rich local heritage on the east side of Parliament Square and forms part of Hertford Conservation Area. The site faces towards the open setting of the war memorial and is clearly visible within this distinguished vicinity by virtue of its exposed and prominent location. This part of the Conservation Area is characterised by historic buildings in a variety

of architectural styles and which make for a distinct sense of local amenity significantly shaped and influenced by its local historic context.

17. Of particular significance for the appeal proposal is the presence of the historic war memorial immediately to the north-west of the appeal site. Nos 1-3 form part of the backdrop to exposed views of both the memorial and of the wider junction and enclose a very open civic area to the front. It is therefore important that such elevations should provide an appropriate heritage-sensitive setting in terms of their character and appearance.
18. A further feature of the special character of this part of the Conservation Area is an impression of relatively low-key advertising. Advertising is generally of limited size and extent, not all is illuminated, and signage broadly appears to be physically incidental to, and characteristic of, the host buildings.
19. By virtue of the features described in **Appeal A**, the building makes a similarly refined and distinguished contribution to the historic character and appearance of the Conservation Area, and thereby to the amenity of this part of the town centre, and the proposed signage would be inconsistent with those attributes. In particular, the proposed displays, by virtue of their materials, would appear as intrusive and visually jarring additions and would so undermine its contribution to the wider Conservation Area. Views of the Conservation Area would be materially harmed, the scheme would fail to preserve its character and appearance, and the existing contribution of the appeal site to local amenity would thereby be diminished.
20. My findings are also consistent with the advice of the Framework that poorly placed advertisements can have a negative impact on the appearance of the built environment.
21. I therefore conclude that the proposed signs would be harmful to the amenity of the area created by the host building, by the character and appearance of the Conservation Area, and by the rich cultural heritage of the town centre. To the extent that the development plan is a material consideration, the scheme would be contrary to Policy BH15(a) of the East Herts Local Plan Second Review April 2007. This seeks to ensure that advertisements in Conservation Areas are either painted or individually lettered in a suitable material of an appropriate size and design in relation to the building or fascia.

Other Matters

22. I have noted the appellant's reference to various other advertising elsewhere, and I am conscious of the importance of consistency in decision-making. Nevertheless, the full planning backgrounds to other displays are not before me, and each proposal and site must be considered with reference to its own particular merits.
23. Particular reference is made to decisions regarding No 70 Fore Street, and I note the similarities with the appeal site, and the contrasting views in that instance taken by the authority regarding an aluminium fascia and metal letters. From the information before me, I do not agree that the specific circumstances and merits of that scheme relate directly to the current appeal, as I consider the principle of such modern materials to be inconsistent with the particular historical significance and more exposed setting of the appeal site. No 70 occupies a materially different location, No 3 is indicated to have

previously contained a timber fascia and, in any case, the appeal proposal would not involve a suitable material as generally expected of Policy BH15. Besides, I do not find that any existing displays would either offset the significant harm from the particular scheme which is the subject of this appeal, nor otherwise justify the impact arising.

24. The appellant also refers to a previous acceptance of aluminium in earlier decisions at the site, but that does not alter my assessment of the overall merits of the current appeal proposal as described. Reference is also made to the reversible nature of the works, but the harm which forms the determining factors of my decisions would relate to the on-going presence of the displays themselves. I also note the absence of third party objections.
25. None of the other matters raised are of such significance, either individually or cumulatively, that they would outweigh the considerations that have led to my conclusions on the main issues.

Conclusion

26. In summary, I find that, whilst the materials in dispute may represent relatively minor aspects of the displays, they would still have a significant impact upon an important building in a prominent location.
27. At the heart of the Framework is a presumption in favour of sustainable development, and I find the scheme would not accord with that expectation. Nor would it accord with the regard I must have towards the listed building in **Appeal A** or to the Conservation Area in **Appeal B**. These are considerations to which I am required to attach significance importance and weight.
28. For the above reasons, **Appeal A** and **Appeal B** are both dismissed.

Peter Rose
INSPECTOR