

a) 3/09/1430/LB and b) 3/09/1431/AD

9. a) 3/09/1430/LB and b) 3/09/1431/AD – Non-illuminated shop sign at 2 St. Andrew Street, Hertford, SG14 1JA for Miss Victoria Rex.

Date of Receipt: 08.10.2009

Type: a) Listed Building Consent
b) Advertisement Consent

Parish: HERTFORD

Ward: HERTFORD - Bengoe

RECOMMENDATION

a) That Listed Building Consent be **REFUSED** for the following reason:-

1. The proposal would result in the concealing of the original tiled fascia that is an important feature of this listed building. If permitted it would be harmful to the special character and appearance of this Grade II* Listed Building and thereby contrary to policy BH10 of the East Hertfordshire Local Plan Second Review April 2007.

b) That Advertisement Consent be **REFUSED** for the following reason:

1. The proposal would result in the concealing of an original tiled fascia that is an important feature of this listed building. The proposal would thereby be detrimental to the visual amenities and character of the building and the Hertford Conservation Area wherein the site is situated.

It is also recommended that the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised signage from the building.

Period for Compliance: 1 Month

Reasons why it is expedient to issue an enforcement notice:

1. The sign has resulted in the concealing of the original tiled fascia that is an important feature of this listed building. The sign is harmful to the special character and appearance of this Grade II* Listed Building and thereby contrary is to policy BH10 of the East Hertfordshire Local Plan Second Review April 2007.

1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises a retail unit on the corner of St. Andrew Street and Old Cross. The unit is currently occupied by the Hertford Women's Society, a women's boutique fashion shop. The building is Grade II* listed; originally a 17th Century house, comprehensively re-built in the early/mid 18th Century, and with a shopfront inserted in the late 19th Century. It is the oxblood encaustic tiled fascia of this shopfront, specified in the listing, that forms the subject of these applications for listed building consent and advertisement consent.

2.0 Site History

- 2.1 A listed building consent application (3/06/1518/LB) was received on 4th August 2006 but not registered until 5th March 2007 due to a delay in receiving the required documentation. Meanwhile, it came to the Council's attention in February 2007 that a new fascia had been erected at 2 St. Andrew Street without consent. That application was refused for the following reason:-

The proposed fascia, by reason of its size, siting, style and design, will have a detrimental effect on the character and appearance of the Grade II Listed Building upon which it is sited, and result in the concealing of the original Wigginton & Sons fascia that is an important feature of this listed building. If permitted it would thereby be contrary to policy BH10 of the East Hertfordshire Local Plan Second Review April 2007.*

- 2.2 An appeal was lodged against this decision, but dismissed on 7th April 2008. The Inspector agreed that the design, colour and style of sign did not preserve the appearance of the building. Further, he stated that "the concealed fascia, in the context of the whole façade, is an important part of the streetscene, worthy of continued protection. Its loss from view thereby fails to preserve the character and appearance of the Conservation Area too."
- 2.3 A further application was received on 8th January 2009 (3/08/1680/LB) proposing an amended design of fascia. Whilst the revised style and design was considered to be acceptable, the sign still concealed the original fascia, and, giving due weight to the Inspector's determination of this issue, the application was refused on 5th March 2009 for the following reason:

a) 3/09/1430/LB and b) 3/09/1431/AD

The proposal would result in the concealing of the original tiled fascia that is an important feature of this listed building. If permitted it would be harmful to the special character and appearance of this Grade II Listed Building and thereby contrary to policy BH10 of the East Hertfordshire Local Plan Second Review April 2007.*

- 2.4 Following this refusal, and further meetings held with the applicant to suggest alternative forms of signage, the matter was brought to Development Control Committee on 29th July 2009 to seek authority to take enforcement action. A copy of this report is attached as Appendix A. At this meeting Members resolved not to pursue enforcement action, but to allow the submission of a further application. This application was received on 8th October 2009, and was accompanied by an application for advertisement consent. Following changes to Advertisement Regulations in April 2007, express consent is now required for signs that exceed 1.55m² in area.

3.0 Consultation Responses

- 3.1 The Council's Conservation Officer objects to the proposal on the grounds that covering the original tiled fascia is detrimental to the special interest of this important listed building. She states that:-

2 St. Andrew Street is a Grade II listed building in the historic town centre of Hertford which is a designated Conservation Area. The house is essentially of 17th century date; it was rebuilt comprehensively in the 18th century and in the 19th century a large section of its ground floor was converted into a shopfront. This red brick and tiled shopfront is an interesting example of its type and representative of its time. It retains all its original features including decorative panelled pilasters and a prominent encaustic tiled fascia which bears the name 'Wigginton & Son' referring to the company which first traded on the premises. Their interlaced initials 'WS' are incorporated in the decoration of the pilasters. If viewed together the original fascia sign and decorative initials constitute an evocative testament to the history of ownership and use of this listed building, and are important in the context of local and social history.*

In view of this, the proposal to introduce a new fascia sign, which will cover the original tiled fascia, is detrimental to the special interest of this important listed building.

The building presents the applicant with a wealth of alternative possibilities of advertisement – an existing bracket at one end of the main fascia can be used for a hanging sign, windows can be used for discreet painted lettering,

a) 3/09/1430/LB and b) 3/09/1431/AD

the original fascia board on the shop window facing Old Cross can be used or a more legible advertisement placed on the existing canopy.

- 3.2 County Highways do not wish to restrict the grant of advertisement consent. This application will not have an impact in terms of highway safety or the safe and convenient passage of pedestrians.

4.0 Town Council Representations

- 4.1 Hertford Town Council welcome the signage proposal and urge East Herts Council to approve the listed building consent application. They raise no objection to the advertisement consent application.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

- 5.2 No letters of representation have been received.

6.0 Policy

- 6.1 The relevant Local Plan policies in this application include the following:-

BH10 Extensions or Alterations to a Listed Building
BH15 Advertisements in a Conservation Area

In addition to the above it is considered that Planning Policy Guidance 15 'Planning and the Historic Environment' and Planning Policy Guidance 19 'Outdoor Advertisement Control' are considerations within this application.

7.0 Considerations

Listed Building Consent

- 7.1 The main issue in determining the listed building consent application is whether the proposal preserves or enhances the special character and appearance and setting of this Grade II* listed building. In assessing this impact there are two specific issues: the scale, style and design of the proposed fascia, and the principle of covering the original listed tiled fascia.
- 7.2 In terms of the scale, style and design of the proposed fascia, this is considered to be acceptable. The application proposes a dark grey painted timber fascia (Farrow & Ball 'Downpipe' colour) with individual gold lettering

a) 3/09/1430/LB and b) 3/09/1431/AD

to read 'The Women's Society Boutique' (with the word Boutique in pink lettering), with their telephone number displayed to the right hand side of the fascia. This is considered to be acceptable in quality and design terms, and overcomes the previous Conservation Officer's concerns over the existing unlawful signage. The Inspector at appeal had agreed that the existing signage, with small offset lettering leaving a large area without interest, was unacceptable. The style, design and colour of the now proposed fascia is considered to overcome this objection.

- 7.3 The remaining issue is therefore the principle of concealing the original oxblood encaustic tiled fascia that reads 'Wigginton & Sons'. This fascia is specified in the listing of this Grade II* listed building and is considered to contribute significantly to the special interest of this building. PPG15 'Planning and the Historic Environment' states that such elements are often of interest. Further, the Planning Inspector, in dismissing the earlier appeal, specifically referred to the concealing of the original fascia as harmful, and that its loss from view also fails to preserve the character and appearance of the Conservation Area. He stated that "the concealed fascia, in the context of the whole façade, is an important part of the streetscene, worthy of continued protection". Significant weight must be placed on this Inspector's decision.
- 7.4 It is noted that the construction of the proposed fascia would be reversible and would not result in damage to the actual fabric of the listed building (hidden clips would be secured into existing plug holes). However, by concealing the original tiled fascia, Officers consider that the special interest of this Grade II* listed building would be harmed, contrary to PPG15 and Local Plan policy BH10.
- 7.5 The applicant has raised concerns over maintaining a successful business in the current economic climate with the name 'Wigginton & Sons' exposed (a company who continue to trade in the town), which may cause confusion for customers. Whilst Officers have sympathy for the applicants in this case, as did the Inspector at appeal, it is not considered that these considerations justify harm to a Grade II* listed building.
- 7.6 It is also noted that the tiled fascia was previously painted over with the name 'John Barber' for many years, since before 1920 to approximately 1980. When the new trader took over in the 1980s, he discovered the original sign, cleaned it and adopted the trading name of 'Wigginton & Sons'. This trader vacated 2 St. Andrew Street in 2006 and continues to trade at alternative premises in the town, including No. 1 St. Andrew Street opposite. However, simply because the fascia was painted over for many years does not undermine its importance in the context of the historic and

a) 3/09/1430/LB and b) 3/09/1431/AD

visual interest in this special building. When the sign was originally painted, prior to 1920, listed building legislation did not exist and consent would therefore not have been required. It is important that assessment of this application is based on current legislation, with due weight given to the previous Inspector's decision.

- 7.7 Since the previous appeal was dismissed, Officers have met with the applicant, and have made several suggestions for alternative signage; however none of these options have been forthcoming. The Council's Conservation Officer also offers advice in this respect and suggests that signage could take the form of a hanging sign on an existing bracket, discreet painted lettering in the windows, or by using the original fascia board on the shop window facing Old Cross, or the existing canopy.

Advertisement Consent

- 7.8 In determining applications for advertisement consent, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 remind us that consideration can only be given to issues of amenity and public safety. The provisions of the development plan may be taken into account, insofar as they are material.
- 7.9 Policy BH15 of the Local Plan sets out the criteria for advertisements in Conservation Areas, and it is the Officer's view that the proposed fascia broadly meets these criteria in its scale, design, materials of construction and lack of illumination. Further, the details of the sign itself are considered to be acceptable and will be in-keeping with the style and design of other traditional fascia signs along St. Andrew Street.
- 7.10 However, by concealing the original fascia, as discussed above, the proposal is considered to be harmful to the amenities of the listed building, and the surrounding Conservation Area. The Advertisement Regulations make it clear that "factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest". The proposal is therefore considered to be unacceptable in this considered to be unacceptable.
- 7.11 In terms of public safety, the signage will be fixed to the existing fascia and will not be illuminated. No harm would therefore result to pedestrians, and drivers will not be distracted or dazzled by lighting.

8.0 Conclusion

- 8.1 Overall, Officers consider that the proposed fascia sign is considered to be acceptable in scale, style, design, and use of materials. However, by

a) 3/09/1430/LB and b) 3/09/1431/AD

concealing the original tiled fascia of this historic shopfront, the advertisement is considered harmful to the special character and appearance of this Grade II* listed building, and the surrounding Conservation Area. No overriding material considerations have been put forward to justify the concealing of this fascia. Two previous applications have been refused for this reason, and an appeal dismissed, and considerable weight must be given to the Inspector's decision in assessing these current applications.

- 8.2 Both applications for listed building consent and advertisement consent are therefore recommended for refusal for the reasons set out above.
- 8.3 Further, given the timescales that have passed, the applications and appeal that have been refused, and given that these works relate to unauthorised works to a listed building and unauthorised display of advertisements, it is also again recommended that enforcement action be authorised.