

9. E/08/0588/B - Unauthorised erection and display of advertisement and the unauthorised erection of 5 silver fluted pilasters and associated cornice at Sugar Hut, 11 Old Cross, Hertford, SG14 1RE.

Parish: HERTFORD

Ward: HERTFORD BENGEO

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Sections 172 and 224 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised advertisements and development from the land.

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice and/or commence legal proceedings:

Operational development:

1. The unauthorised pilasters and associated cornice are detrimental to the character and appearance of the building itself, the surrounding Conservation Area, and the setting of the Listed Building at 13 Old Cross, Hertford. They are, therefore, contrary to policies ENV1, BH5, BH14 and BH12 of the East Herts Local Plan Second Review April 2007.

Unauthorised advertisement:

1. The unauthorised advertisement by reason of its size, siting, and materials of construction, is detrimental to the character and appearance of the Hertford Conservation Area wherein the site is situated, contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated on the west side of Old Cross, Hertford about 20 yards north of the junction with St Andrew Street, within the Conservation Area of Hertford. Whilst the building itself is not a listed building, it forms part of a terrace of properties with a distinctive character and is physically attached to 13 Old Cross, a Grade II listed building.

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- 1.2 In December 2008 a concern was expressed to the Council regarding both the signage erected on the building and the silver coloured, classic imitation styled, pillars and associated cornice attached to the front of the building.
- 1.3 An enforcement officer visited the site and noted that in addition to the fascia sign, which would appear to benefit from deemed consent under the Advertisement Regulations, there was a further sign with a silver and orange logo on a black background mounted between the two first floor windows of the property. He further noted the alterations to the shopfront as described above.
- 1.4 The enforcement officer wrote to the proprietors, one of whom telephoned him stating that they were instructing a planning agent to submit applications seeking to regularise both the advertisement and the unauthorised works to the shopfront.
- 1.5 However, there having been no applications, the enforcement officer again wrote to the proprietor on 7th September 2009 informing him that the matter required urgent attention.
- 1.6 Despite further telephone assurances to the enforcement officer no applications have been received.
- 1.7 Photographs of the site and unauthorised signage will be available at the meeting.

2.0 Planning History

- 2.1 The most recent planning history for the site can be summarised as follows:-

3/85/0612/FP	New shopfront with recessed double doors.	Approved with conditions.
3/85/0613/LB	New shopfront with recessed double doors.	Withdrawn by East Herts Council.
3/85/0734/AD	Painted fascia signs illuminated by 3 swan-necked spotlights.	Approved with conditions.
3/85/0853/LB	New shopfront with recessed double doors.	Withdrawn by Applicant/Agent.

3.0 Policy

3.1 The relevant policies in this matter are:-

- BH5 – Alterations to unlisted buildings in conservation areas
- BH12 – Development affecting the setting of a listed building
- BH14 – Shopfronts in Conservation Areas
- BH15 – Advertisements in Conservation Areas
- ENV1 – Design and Environmental quality

4.0 Considerations

4.1 In this matter, the main issue to be considered is the impact of the signage and unauthorised development upon the building itself, the impact upon the setting of the listed building attached to it and upon the wider Conservation Area of Hertford in which it lies.

4.2 Officers' consider that the signage is of excessive size and of an inappropriate design in relation to the building. It is poorly related to the form and design of the building and the adjoining Grade II listed building at 13 Old Cross, detracting from its special historic character. Furthermore, it is prominent within the Conservation Area and out of keeping with and detrimental to the appearance of the area. Overall, it is considered that the signage exceeds the size appropriate to convey its message and fails to preserve or enhance the appearance of the Conservation Area.

4.3 Officers further consider that the erection of the 5 silver fluted pilasters and associated cornice to the shopfront is of a poor standard of design with an inappropriate choice of materials that are harmful to the building itself, the adjoining listed building and the historic town centre of Hertford and the conservation area in which it lies.

5.0 Recommendations

5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development and to commence legal proceedings with regard to the unauthorised advertisement.