



Appeal Decision

Site visit made on 15 October 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/A1910/Z/19/3232685

Nash Mills, 194A Belswains Lane, Nash Mills, Hemel Hempstead, HP3 9XA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Euro Repar against the decision of Dacorum Borough Council.
 - The application Ref 4/00886/19/ADV, dated 8 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is the display of 5 X non illuminated fascia signs, 1 X non illuminated projecting sign, 2 X non illuminated flat aluminium panels back to back as one sign, 1 X non illuminated wall mounted totem/folded tray, and 1 X non illuminated window vinyl.
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Decision

1. The appeal is dismissed insofar as it relates to signs D, E and F (fascia signs) and sign I (flat aluminium panels back to back).
2. The appeal is allowed insofar as it relates to signs A and C (fascia signs), sign B (wall mounted totem/folded tray), sign G (window vinyl) and sign H (projecting sign). Express consent is granted for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

4. The proposed advertising is already in place, and I have therefore dealt with the appeal on that basis.
 5. The Council has drawn my attention to policies Saved Policy 112 of the Dacorum Local Plan (2004), the Supplementary Planning Guidance for Advertisements (2004) and Policy CS12 of the Core Strategy (2013), all of which seek in various ways to protect amenity. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.
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Main Issue

6. The main issue is the effect of the advertisements on visual amenity.

Reasons for the Recommendation

7. The appeal site is an MOT centre located to the rear of residential properties along Belswains Lane. The street is predominantly residential in character, and from the street the MOT centre can only be seen through a gap between two houses. The advertising that is the subject of this appeal comprises two fascia signs (signs A and C), one projecting sign (sign H), one wall mounted totem (sign B) and a window vinyl (sign G) all on the front of the MOT centre, three fascia signs on the walls of the dwellings that flank the access to the site (signs D, E and F), and two aluminium panels back-to-back adjacent to the street (sign I). The advertisements are not illuminated.

Signs D, E, F and I

8. The properties fronting Belswains Lane are mostly residential and are set back from the street. The fascia signs D, E and F are large and prominent additions to the dwellings that flank the access to the MOT centre, with sign D on the front elevation of the property and signs E and F on side elevations. The nature and scale of these signs introduce a commercial appearance that is out of character with the street.
9. The back-to-back panels (sign I) are also out of place in a residential area, and are of a greater scale and prominence than signs D, E and F. Owing to its size and position sign I detracts from the open and residential character of the street.
10. The residential properties along this stretch of Belswains Road are painted in a variety of pastel colours, and the bold colours of signs D, E, F and I jar against the pale colours of the dwellings. Signs D, E, F and I create a sense of clutter, and the absence of any other advertisement in this particular part of the street make them all the more conspicuous. These signs thereby detract from the appearance of the street scene and, for the reasons given above, I consider that the signs D, E, F and I cause significant harm to the amenity of the area.

Signs A, B, C, G and H

11. Fascia signs A and C, the wall-mounted totem (sign B), the window vinyl (sign G) and the projecting sign (sign H) are all fixed to the front elevation of the MOT centre. These signs are characteristic of a building of this nature, are not clearly visible from Belswains Road and do not lead to a cluttered appearance on the building. Consequently, these signs would be in keeping with the appearance of the building and would not detract from the character and appearance of the street scene.
12. For the reasons given above, I consider that signs A, B, C, G and H do not cause material harm to the amenity of the area.

Other Matters

13. I note that the Council has no objections on the grounds of highway safety, and I have no reason to disagree. I also acknowledge that the proposal would not hinder access to the building. However, this has no bearing on the main issue.

14. The appellant argues that the advertisements are necessary to ensure the future of the business. I acknowledge that the building is not prominent from the street. However, given that the appellant states that the garage has existed for some time, there is no reason why customers would not be aware of its presence. There is no evidence before me that advertisements D, E, F and I are necessary in economic terms or would prevent the business from failing. Moreover, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I conclude that the display of signs D, E, F and I would be detrimental to the interests of amenity but that signs A, B, C, G and H are acceptable on amenity grounds. I therefore recommend a split decision.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis a split decision is issued.

S Ashworth

INSPECTOR