



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: 5 November 2019

Appeal Ref: APP/A1910/Z/19/3232571

21 High Street, Tring, HP23 5AR

- 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 Mr Andrei Lussmann against the decision of Dacorum Borough Council.
 - The application Ref 4/00333/19/ADV, dated 11 February 2019, was refused by notice dated 14 May 2019.
 - The development proposed is the display of 2 non illuminated banners and 1 externally illuminated projection sign.
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Decision

1. The appeal is dismissed insofar as it relates to the two non-illuminated banner advertisements.
2. The appeal is allowed insofar as it relates to the circular externally illuminated 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 and the following additional condition:
 1. The level of illumination of the advertisement hereby approved shall not at any time exceed the limit recommended by the Institution of Lighting Engineers in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'

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 advertising which forms the subject of this appeal is already in place. I have therefore dealt with the appeal on that basis.
 5. The Council has drawn my attention to Saved Policy 112 of the Local Plan (2004), Dacorum's Supplementary Planning Guidance for Advertisements (2004), and Policy CS27 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
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safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

Main Issue

6. The main issue is the effect of the advertisements on visual amenity and, linked to that, whether or not the advertisements preserve or enhance the character or appearance of the conservation area.

Reasons for the Recommendation

7. The appeal site, which comprises a former bank now in use as a restaurant, is located on High Street and is within the Tring Conservation Area. The surrounding area is predominantly commercial in character with high levels of pedestrian footfall. The classical architectural style and detailing of the appeal building, including the pedimented arched windows, creates an attractive frontage that makes a positive contribution to the surrounding area.
8. The advertising that is the subject of this appeal comprises two non-illuminated banners and one externally illuminated projecting sign.

Banners

9. The two banners hang at a right angle from the building in an elevated position and are thereby highly prominent in the street scene. While I acknowledge that they are made of a high quality material, and that their pale colours are sympathetic to the building, their projection from the building, form and length, and the absence of similar advertisements in this particular part of the street, make them all the more conspicuous. In addition, the banners obstruct views of the design and architectural detailing of the building and thereby detract from its appearance. Moreover, for the same reason they fail to preserve or enhance the character or appearance of the Conservation Area.
10. I understand that advertisement consent has previously been granted for banners at 69 High Street¹, which is also within the Conservation Area. However, no details of that consent have been submitted with this appeal, so I cannot be certain that the previously approved banners are directly comparable to those before me. I have, in any event, dealt with the proposal on its own merits. I also noted the variety of commercial signage elsewhere in the street. However, that signage, which comprises predominantly fascia and hanging signs, is not comparable to the proposal before me.
11. I acknowledge that the appellant wishes to distinguish the restaurant from the former use of the building as a bank. However, this does not warrant advertisements that cause the harm identified.

Projecting sign

12. The Council states that consent has already been granted for a projecting sign², although no details of this consent are before me.
13. Nevertheless, the proposed externally illuminated projecting sign that forms the subject of this appeal is of a limited scale and simple design, and is sited on the building so that it is sympathetic to the building's character. As such it does

¹ Advertisement Consent ref. 4/01202/10/ADV

² Advertisement Consent ref. 4/02751/16/ADV

not detract from the architectural quality of the building or the positive contribution it makes to the street scene. There are several other projecting signs along this part of High Street, and as such the proposed sign does not detract from the character of the street. For the same reason, the projecting sign preserves the character and appearance of the Conservation Area.

Conditions

14. Two conditions were suggested by the Highway Authority in the event that the original application was granted. I have considered them having regard to the tests set out in Paragraph 55 of the Framework.
15. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, and as such condition 1 is necessary to make the proposal acceptable. However, given that the projecting sign is already in place and is shown on the submitted drawings, and furthermore that there have been no objections in terms of its siting regarding public safety, the suggested condition specifying its location is unnecessary.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I conclude that the display of the two non-illuminated banners is detrimental to the interests of amenity but that the projecting sign is acceptable on amenity grounds. I therefore recommend a split decision to dismiss the banners and allow the projecting sign.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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