



Appeal Decision

Site visit made on 9 June 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH July 2022

Appeal Ref: APP/N1540/W/21/3281270

One & Only Dental, 16 New Road, Old Harlow CM17 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by One & Only Dental against the decision of Harlow Council.
 - The application Ref HM/ADV/21/00138, dated 2 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is display of 1no. internally illuminated fascia sign & 1no. internally illuminated projecting sign.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the Council's decision notice as it is a more comprehensive, accurate description of the advertisements proposed than that provided in part 4 of the application for consent to display an advertisement(s) form. It is also the description used by the appellant in part E of the appeal form.
3. The proposed advertisements were in place and being displayed at the time of my site visit and I was able to see them in context with the surrounding area.

Main Issues

4. The main issues in this appeal are the effect of the proposed advertisements on visual amenity, with particular regard to the Old Harlow Conservation Area, and on highway safety.

Reasons

5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, as far as they are material; and any other relevant factors.

Amenity

6. No.16 New Road (No.16) is a dental practice located on the New Road and Old Road corner within the Old Harlow Conservation Area (CA). It is a two-storey detached property dating from between 1887 and 1889 with a hipped slate roof

and sash windows, its principal elevation to New Road. It forms part of a composition of mainly residential properties grouped around the Old Road, New Road and Watlington Road junction. From the outside, the property appears to have retained its original features and is well maintained. The significance of the Old Harlow CA is, in part, its collection of late Victorian and Edwardian houses which together have an attractive group value particularly on New Road. I found that No.16 makes a positive contribution to the character and appearance of this part of the CA, and therein its significance.

7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of amenity. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. Paragraph 136 of the National Planning Policy Framework further sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. The proposed fascia advertisement on the gable elevation of No.16 is around 2400mm in width and 1600mm high, mounted at first floor above the centrally positioned ground floor window. Because of its location on the corner, the gable elevation of No.16 is very visible, slightly angled but facing Old Road. I appreciate that the advertisement was designed to look bold and attract passers-by to the dental practice which was under new management. However, the advertisement extends much of the width of the gable elevation and extends to just below the eaves of the hipped roof, therein filling most of the first floor elevation. The result is that it appears a disproportionate, incongruous addition to the gable. Further the combination of its excessive size and first floor position on the gable means the advertisement is extremely prominent travelling north to south on Old Road and at the Watlington Road and Old Road junction opposite.
9. On the front elevation of No.16, so facing New Road, is a 900mm wide by 600mm high oval sign. It is hung on a simple bracket with back panel fixing, rather than an ornate iron bracket as shown on the details submitted with the advertisement consent application. The advertisement is positioned above the lintel of the front door and projects around 1100mm from the front elevation, with a depth of around 200mm. The combination of this depth and projection means that the sign appears bulky, detracting from the refined detailing of the original door lintel and the sash windows of the property. Further, No.16 is set right at the back edge of the pavement on New Road and therefore the sign projects overhead, so appears very visible and unduly dominant within the streetscene.
10. When I visited the site I observed that because of its residential character the incidence of any other, comparable advertising in this part of the Old Harlow CA was very limited. The detailing of properties is however traditional in appearance with timber or metal being the predominant material for fenestrations, fascias or boundaries. The material used in the advertisements is described as steel acrylic or steel acrylic alloy composite and I found this contemporary, high gloss finish to be unsympathetic to the traditional detailing and therein character and appearance of the CA.

11. I note that it is the intention that the advertisements would only be illuminated for a limited time of 3 hours during the winter months to make them visible for patients visiting the dental practice in the evening. The advertisements were not illuminated at the time of my site visit (mid-morning) but given my conclusions above regarding their excessive size and prominence, I find illumination would only serve to exacerbate this to the further detriment of amenity. The electric cabling to enable illumination of both advertisements also runs close to the underside of the eaves of No.16 and externally across both the front and gable elevations, detracting from its otherwise well maintained appearance.
12. I therefore conclude that the proposed advertisements would cause harm to the visual amenity of the area and to the character and appearance of the Old Harlow CA.
13. I have taken into account policies PL1, PL12, PL13 and WE5 of the Harlow Local Development Plan 2020 (LP) which read together seek, amongst other things, to achieve a high standard of design and to conserve or enhance the character and appearance of designated heritage assets; and are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Public safety

14. As described above, the advertisements (but particularly the advertisement on the gable of No.16) are very prominent for vehicle users of Old Road and Watlington Road. However, because the area is principally residential in character with on-street parking, I observed that vehicles typically travel at low speed with due care and attention. Cars travelling west on Watlington Road would be giving way at the Old Road junction. Therefore, I did not find the simple, functional design of either advertisement (despite their size) would obstruct or confuse a road-user's view, or would be likely to distract road-users because of their unusual nature. I also note that Essex Highways did not object to the proposed advertisements. Consequently, I find that there would be no danger to road users or highway safety and therefore no conflict with LP Policy IN2 which is material in this case.

Conclusions

15. Whilst I have found that the proposed advertisements would not cause harm to public safety, they would nonetheless cause harm to amenity. For that reason, I conclude the appeal is dismissed.

R Jones

INSPECTOR