



Appeal Decision

Site visit made on 14 February 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 16 February 2023

Appeal Ref: APP/N1920/Z/22/3298767

Land adjacent to 211 Shenley Road, Borehamwood, Herts WD6 9DN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr J R Orme against the decision of Hertsmere Borough Council.
 - The application Ref 22/0151/ADV, dated 31 January 2022, was refused by notice dated 8 April 2022.
 - The advertisement proposed is a static, externally illuminated, free-standing 48-sheet poster panel.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal site comprises a small strip of unused land, adjacent to the roundabout junction between the B5378 Shenley Road and the unclassified Eldon Avenue. The area lies on the edge of Borehamwood town centre. To the west is the main shopping area, to the south is a Tesco superstore, and to the east is a mainly commercial area. Opposite the appeal site is a McDonalds drive-through, and the remainder of Eldon Avenue is largely residential.
3. Both Shenley Road and Eldon Avenue are subject to moderate levels of both vehicular and pedestrian traffic. Both streets act as significant pedestrian links to and from the town centre. On the gable wall of No 211 Shenley Road there is a smallish directional sign to the McDonalds restaurant, and the Tesco store has a modest-sized tower-style display, of standard design, on its own frontage. Otherwise, apart from the shopfronts in Shenley Road, there is little other existing advertising in the vicinity.
4. The present appeal proposal is for a display panel of about 6.4m wide, by just over 3.3m in height. The panel would be mounted on a supporting pole-type structure, some 1.8m off the ground, so that its overall height would be over 5.1m. Given its freestanding position, it would appear unrelated to any nearby building, and as such, it would be highly prominent in the streetscape. The fact that it would be permanently illuminated would add to this impression of undue prominence. Having regard to the nature of the surroundings, a structure of this scale and design, would be an incongruous and alien feature in this location. In particular, due to its size, and its elevated position above head height, it seems to me that the proposed display would appear as an

unacceptably dominant and overbearing feature, harmful to the visual amenity of the area, and especially that of pedestrians.

5. I fully appreciate that the appeal site is currently unmaintained and overgrown, and contains a concrete base and posts from a former structure. I have no reason to doubt that the site attracts litter and such like. The present application is accompanied by a landscaping scheme, with new planting and a grassed area, which could potentially bring about some improvement, but it is not clear what mechanism would be available to secure the long-term management and maintenance of any such landscaping. None of the suggested conditions, nor the standard conditions, appear to me to address this aspect. But be that as it may, in my view the benefits of any new landscaping would not be likely to be sufficient to compensate for the harm caused by the proposed new structure itself.
6. I note the issues referred to with regard to antisocial behaviour. However, these appear to relate mainly to the adjoining pathway, which serves No 211 Shenley Road. Any such issues are therefore matters primarily for the owner of that property and for the relevant authorities. As far as the present appeal is concerned, I agree that there seems no reason why the proposed scheme should be likely to make the existing situation any worse in this respect, and thus it is difficult to see any basis for the Council's refusal reason No 1. But neither is there any clear evidence that the scheme would offer a significant or lasting improvement.
7. I acknowledge that the proposed development would potentially offer increased opportunities for local businesses to promote their products and services, including those in the film and TV industry, which are an important part of the local economy. But there is no suggestion that local firms would be given preference over other advertisers, and anyway the content of advertisements is outside the scope of planning control. In any event, this does not outweigh the harm that I have identified.
8. I am aware that the appeal site has a history of previous advertisements and consents, as well as discontinuance action by the Council, but these do not alter my conclusions regarding the present proposal.
9. In the light of the above, I find that the proposed advertisement would fail to achieve a high quality, attractive design, or to contribute positively to the local environment, or to complement the area's character. As such, it would conflict with the aims of Policies CS 22 and SADM 30¹.
10. For the reasons stated, I conclude that the proposed development would have an unacceptably detrimental impact on the visual amenity of the locality. The appeal is therefore dismissed.

J Felgate

INSPECTOR

¹ Policy CS 22 of the Hertsmere Core Strategy, adopted January 2013, and Policy SADM 30 of the Site Allocations and Development Management Policies, adopted November 2016