



Appeal Decision

Site visit made on 31 August 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/J1535/Z/23/3322474

14 York Hill, Loughton, Essex IG10 1RL

- 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 Miss Leah Totton of Dr Leah Cosmetic Skin Clinic against the decision of Epping Forest District Council.
 - The application Ref EPF/2032/22, dated 27 February 2023, was refused by notice dated 21 April 2023.
 - The advertisement proposed is described as change of outdoor signage to a 65inch digital screen showcasing monthly offers, treatments available in clinic and opening times.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council do not raise any issue with the proposed advertisement in respect of public safety. Based on the evidence before me, I concur with the Council on this matter.
3. The main issue is therefore the effect of the proposed advertisement on the amenity of the area having particular regard to the character and appearance of the York Hill Conservation Area.

Reasons

4. The appeal property is a part two-storey, part single storey commercial building located on the junction between York Hill and Kings Green. The surrounding area contains a mix of residential and commercial properties. The property is located in the York Hill Conservation Area (YHCA) that is characterised as being predominantly formed of historic residential properties, with a small number of commercial properties, with some characteristic triangular greens, which include the Kings Green which is adjacent to the appeal property.
5. The appeal property has an existing non-illuminated signboard which is displayed on a brick wall adjacent to the frontage of the property which overlooks a small parking area. The proposed advertisement would replace this existing signboard with a digital screen of a similar size and siting. The frontage of the property also has existing signage on the fascia.
6. The National Planning Policy Framework (2023) (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to

control only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.

7. In an appeal for an advertisement in a conservation area, the test from s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is 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'.
8. The advertisement would display illuminated changing images. The display of such images would be visually striking and would be of significantly greater prominence than the existing signboard. It would not integrate into the street-scene in a positive manner and would be out of character with the surrounding area.
9. The advertisement would be sited in close proximity to the Kings Green triangular shaped area of open space which contains a number of mature trees and a war memorial. This area is one of the key positive features of the YHCA. The advertisement would be highly visible from this area where due to its siting, size and illumination, it would appear incongruous and harm the character and appearance of the area. The fact that the building itself is not one of significant architectural or historic merit does not justify allowing harmful additions.
10. A condition limiting the hours of operation from dusk until 10.00pm, as has been suggested, would not overcome the harm I have identified.
11. I acknowledge, as the appellant highlights, there are other illuminated signs in the area. These are, however, of a different nature to the appeal proposal, and do not lead me to conclude differently on the proposed advertisement. The appellant has referred to consent that was granted in 1974 for the display of an illuminated sign. Although I do not have full details of this consent, it pre-dates the designation of the conservation area and the relevant policies and guidance. I have also determined the appeal on its own individual merits.
12. The appellant outlines how the proposed advertisement would contribute economically, in terms of promoting the business. Advertisements are, however, subject to control only in the interests of amenity and public safety, therefore economic benefits are not pertinent. Either way, they would not outweigh the harm I have identified.
13. The appellant has also referred to the benefit of illuminating a dark space and making the street safer. I am not aware of a particular security concern that is required to be addressed. Even so, there are other ways of improving security than installing a digital advertisement.
14. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. I conclude that the advertisement has a harmful effect upon amenity and fails to preserve or enhance the character and appearance of the YHCA. The advertisement therefore conflicts with the amenity protection and heritage conservation and

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

enhancement aims of Policies DM7 and DM13 of the Epping Forest Local Plan (2023).

Conclusion

15. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR