



Appeal Decision

Site visit made on 19 October 2023

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27.10.2023

Appeal Ref: APP/N1540/Z/23/3321678

S and J Juniper and Co, 7 Potter Street, Harlow, Essex CM17 9AD

- 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 Baris Yildiz against the decision of Harlow Council.
 - The application Ref HW/ADV/23/00016, dated 20 January 2023, was refused by notice dated 13 April 2023.
 - The advertisement proposed is an externally illuminated fascia sign.
-

Decision

1. The appeal is allowed and express consent is granted for an externally illuminated fascia sign as applied for. The consent is 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 intensity of the external illumination of the fascia sign permitted by this consent shall be no greater than 200 candela, and the lighting shall be switched off between the hours of 23:00 to 07:00.

Procedural Matters

2. Whilst I have noted representations, including a petition, regarding the impact of existing and future development at the site, in this appeal I have considered only the impact of the proposed advertisement.
3. The Regulations state that powers should be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. I have framed the main issue accordingly.

Main Issue

4. The main issue is the effect of the proposal on amenity, with particular regard to any potential for light pollution to nearby occupiers.

Reasons

5. The proposed fascia sign would be sited on the front elevation of the premises, which is part of a site that has historically been occupied for light industrial purposes. In this location, it would be set well back from Potter Street, which comprises predominantly residential properties. In particular, I observed nearby dwellings at 1 Millside ('No 1'), 2 Millside ('No 2'), and at 9 Potter Street ('No 9').

6. The rear elevation of No 1, roughly faces the front elevation of the building where the sign would be located. There is a tall brick boundary wall between the two which would partially obscure the sign in some views from No 1's garden, but it would still be seen from many of its habitable room windows.
7. However, as demonstrated on the fascia sign section, the proposed trough light would direct light principally back towards the proposed advertisement. Moreover, the sign would have a dark background which would minimise perceived glare, the lighting would be static, and the proposed illuminance level would be fairly low. Both the illuminance level and the period of illumination could be controlled by a condition. Consequently, whilst the advertisement would be visible from No 1, having regard to the potential for light pollution, I do not consider that it would harmfully affect those residents' amenities.
8. Turning to the impact on No 2 and No 9, as the former is set well back behind the front elevation of the premises, and the latter has a largely blank side wall facing it, the impact on those residents' amenities would be less.
9. Whilst I did not observe other nearby illuminated advertisements, the area is not totally free from artificial light given the presence of streetlights, traffic and buildings. As evidenced at paragraph 5.13 of the grounds of appeal there were also pre-existing light installations at the appeal site. Consequently, the proposed externally illuminated sign to the front of this building would not harm the character and appearance of the area.
10. In reaching these conclusions, I have had regard to Policy PL13 of the Harlow Local Development Plan 2020. This sets out that the acceptability of advertisements will be assessed having regard to criteria including its effect on the general amenity of the area, and its impact upon the amenity of people living nearby and the potential for light pollution. It is thus material in this case.
11. For the above reasons, the scheme would not conflict with that approach; nor with the broadly similar stance at paragraphs 130 and 136 of the National Planning Policy Framework.
12. The consent is subject to the five standard conditions in the Regulations. Additionally, in the interests of the amenities of nearby residents, a condition is necessary restricting the intensity of illumination to that proposed on the application form and, as suggested by the Council, that the illumination shall be turned off between 23:00 and 07:00 hours.
13. Summing up, the proposed externally illuminated fascia sign would not harmfully affect the amenity of nearby occupiers or the area and, having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR