



Appeal Decision

Site visit made on 16 October 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/A1910/Z/24/3346204

M & S, Unit 1, 300 High Street, Berkhamsted, Hertfordshire HP4 1ZZ

- 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 Marks and Spencer PLC against the decision of Dacorum Borough Council.
 - The application Ref is 24/00462/RET.
 - The advertisement is installation of 2 no. external vinyls on front facade.
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Decision

1. The appeal is allowed and express consent is granted for 2 external vinyls on front facade at M&S Unit 1, 300 High Street, Berkhamsted HP4 1ZZ in accordance with the terms of application ref: 24/00462/RET. The consent is for five years from the date of this decision and subject to the standard conditions set out in the Regulations.

Procedural Matter

2. The Council has cited Policies CS11, CS12 and CS27 of the Core Strategy (2013) (CS), saved Policies 112, 119 and 120 of the Local Plan (2004) (LP), the SPG for Advertisements and the National Planning Policy Framework (the Framework) in its decision notice. However, the control of advertisements is exercisable only with respect to public safety and amenity and consequently, whilst they are material considerations, they are not decisive in the determination of this appeal.

Main Issue

3. The main issue is the impact on amenity.

Reasons

4. The appeal site comprises a modern purpose-built commercial property of two stories set back from the pavement edge behind a paved forecourt. The 'M&S Simply Food' use occupies the majority of the ground floor, though a coffee shop is located in the northern part. The shop frontage comprises a series of windows at ground floor level either side of the main entrance to the retail unit. The vinyl advertisements have already been applied to the ground floor front windows which are located towards the southern end of the building frontage, adjacent to the entrance. These extend across the whole of the two panes and to a height of around 2.8 metres down to ground level.
5. The appeal site lies within a street frontage mainly characterised by older properties which generally lie closer to the street frontage. However, a modern

single storey commercial property lies to the north-west of the appeal site currently occupied by a restaurant use. Nos. 296-298 High Street lie immediately to the south-east of the appeal site. They comprise a single building which is a Grade II listed two-storey early 18th century building incorporating a 17th century structure with tiled roof and sash windows. It is currently used as a restaurant on the ground floor. Office buildings lie on the south-west side of the High Street, opposite the appeal site. The appeal site and its environs lie towards the northern end of the Berkhamsted Conservation Area which extends in a mainly linear form to the south-east of the appeal site encompassing properties along the High Street.

6. Whilst the advertisements are larger than the majority that currently exist within the immediate environs of the appeal site, there are existing vinyl signs applied to the large glazed panes of the adjoining modern premises as well as lettering applied to the ground floor windows of the office premises opposite the site. In any event, given the scale of the host building, its modern appearance and that the majority of the ground floor windows would remain clear glazing allowing views into the shop, the signs do not appear incongruous nor do they dominate the front elevation of the building. In terms of the wider street scene, the set-back position of the building ensures that the signs are not overly prominent. As such they do not detract from the wider conservation area or the general street scene.
7. The adjoining listed building is set forward of the building on the appeal site such that its significance can be appreciated within the street scene. The advertisement is not seen directly adjacent to this building as there is a brick panel along the front elevation separating them, though in more distant views from the north of the site they are seen together within the same view. However, given the relative position of the buildings, the signs recede in this view and despite their size do not dominate or appear as unduly prominent or detracting features within the setting of the adjoining listed building.
8. Overall, having regard to all the above factors, I find that the signs do not have an unacceptably harmful effect on amenity. As a result, there is no conflict with CS Policies CS11, CS12 and CS27, saved LP Policies 112, 119 and 120 or the SPG for Advertisements which, amongst other things, seek high quality of design, the conservation of heritage assets and to preserve or enhance their character or appearance, retain the character and setting of listed buildings, and to ensure that the advertisements are sympathetic in size, appearance, design and position, are not unduly prominent and in keeping with the area and the character of the building on which they are positioned. There is also no conflict with the Framework which seeks to ensure that advertisements are not poorly sited and designed.
9. The Council has not raised any concerns in respect of public safety and I note that the highway authority has no objection. I see no reason to disagree.

Conclusions

10. I therefore conclude that this appeal should be allowed and advertisement consent granted subject to the standard conditions.

P B Jarvis

INSPECTOR