



# The Planning Inspectorate

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Your Ref:

CI/4468/DG/IR/SP

Our Ref:

T/APP/A1910/E/97/814004/P7

T/APP/A1910/A/97/288926/P7

T/APP/A1910/H/97/1984/P7

Date:

29 APR 1998

30 APR 1998

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 SCHEDULE 6,  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
SECTION 20 AND SCHEDULE 3, AND  
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992  
APPEALS BY PREMIER HOUSE  
APPLICATION NOS: 4/00475/97/LBC, 4/00474/97/FUL & 4/00476/97/ADV

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against:

- (a) the failure of the Dacorum Borough Council to give notice of their decision within the relevant period on an application for listed building consent for the erection of 11 lighting units to the exterior of the building, comprising, 4 sodium floodlights, 2 spotlights, 2 wall lanterns to match existing, 1 security light and 5 wall mounted sign boards (4 to replace existing);
- (b) the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the erection of 4 floodlights mounted on 4m posts, 19 fluorescent bollards, and 4 bulkhead lights fixed to garden fence; and
- (c) the failure of the Dacorum Borough Council to give notice of their decision within the relevant period on an application for advertisement consent for 1 externally illuminated double sided pole mounted sign with 2 amenity boards to replace existing, 3 externally illuminated wall mounted signs to replace existing, 1 wall mounted sign to replace existing, and 1 wall mounted sign;

at The Red Lion Public House, Leighton Buzzard Road, Water End, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by Great Gaddesden Parish Council and interested persons including those which were made directly to the Council and which have been forwarded to me. I inspected the site on 24 February 1998.

2. The submitted listed building consent application referred to 11 lighting units, this was subsequently amended to 14 which I have considered. These are described below.

3. The appeal premises, a Grade II listed building, are situated within the Water End Conservation Area and an Area of Special Advertisement Control. The site is also within the Metropolitan Green Belt, a landscape conservation area and adjoins the Chilterns Area of Outstanding Natural Beauty.

4. From the written representations and my inspection of the site and its surroundings, I have formed the view that the principal issues in these related proposals are the effect of the proposed signs and lights on the visual amenities of the immediate neighbourhood, on the character and appearance of the surroundings, including the conservation area, and on the setting and architectural and historic interest of the building itself. In considering these matters, I have had regard to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Although the Council failed to determine the listed building and advertisement consent applications they subsequently resolved that they would have refused listed building consent on the grounds that the lighting units would have an unacceptable impact on the building by virtue of the number and design of the units and the level of illumination in the rural landscape and that the new signs 4, 5 and 5A would result in an excessive number of signs which would be unsympathetic and harmful to the structure, character, detailing and appearance of the building. The reasons for refusing advertisement consent would have been that the new signs would result in an excessive number of signs which would be unsympathetic and harmful both to the building and to the site which are within an area of special advertisement control and a conservation area.

6. The Red Lion dates from the C18 with C19 additions. More recently extensions, lights and signs have been erected following permissions granted in 1993. A new access and parking areas were also constructed and extensive landscaping undertaken. The building is situated on the outside of a slight curve in Leighton Buzzard Road (A4146) close to the junction with Red Lion Lane. It abuts the narrow highway verge. Although there is a car showroom to the south of the site, the situation is predominantly rural. A small residential area to the west of the site is separated from it by the River Gade, a wetland site owned by the National Trust, and a belt of trees. Part of this latter area is considered to be an important wildlife habitat although it is not a designated nature conservation site. Vehicular access to the Red Lion is at the southern end of the site with the main car parking area north of the building. Two other smaller parking areas are to the south and west of the building.

7. In the approved Hertfordshire County Structure Plan, Policies 1 (Green Belt), 2 (Area of Outstanding Natural Beauty), 47 (maintaining the character of Hertfordshire) and 56 (protecting buildings of architectural or historic interest are relevant to these appeals. Also relevant are policies in the adopted Dacorum Borough Local Plan. These include Policies 3 (Green Belt), 8 (quality of development), 9 (environmental guidelines), 90 (Chilterns Area of Outstanding Natural Beauty), 91 (Landscape Conservation Areas), 109 (Listed Buildings) and 110 (Conservation Areas). A further policy (103) provides detailed criteria for the control of advertisements.

8. Planning Policy Guidance: Planning and the Historic Environment (PPG15) states that the main purpose of the advertisement control system is to help everyone involved in the

display of outdoor advertising to contribute positively to the appearance of an attractive and cared for environment. So it is reasonable to expect that the local planning authority's duty to pay special attention to the character or appearance of a conservation area will result in practice in applying more exacting standards when the authority consider whether to grant consent for a proposed advertisement in such an area.

9. I have also had regard to the advice in Planning Policy Guidance: Outdoor Advertisement Control (PPG 19). This comments on the essential need for outdoor advertising for commercial activity. It states, however, that the appearance of a good building can easily be spoiled by a poorly designed or insensitively placed sign or advertisement, or by a choice of advertisement materials, colour, proportion or illumination which is alien to the building's design or fabric. It also states that it is reasonable to expect that more exacting standards of advertisement control will prevail in conservation areas.

10. The application for listed building consent comprised (a) 4 floodlights (types L5 & L6) fixed to the building to light car parking areas and the roadway; (b) 2 wall lanterns (type L13) to match those existing, placed near entrances to the building; (c) 2 spotlights (type L8) on top of bay windows to light hanging sign; (d) 2 floodlights (type L1) on arms lighting signs mounted on walls; (e) 3 downlighters (type L14) within service yard; (f) 1 small spotlight (type L10) on arm to light new sign; (g) 5 wall mounted signs, four of which would replace signs of a similar size.

11. The planning application comprised (a) 4 floodlights (type L2), fitted with shields, mounted on 4m high posts on the north and north-west edges of the main car park; (b) 19 fluorescent bollards (type L3), 4 of which would be in the main car park, 4 in the car park to the south of the building, and 11 (9 with cowls) along the access road, these would replace 24 existing bollard lights which are to be removed; and (c) 4 bulkhead lights (type L4) fixed to the fence posts to light the garden area.

12. The advertisement application comprised (a) 1 externally illuminated double sided post mounted sign with a pair of externally illuminated amenity boards (car park direction signs)(Sign 1); and (b) the 5 wall mounted signs referred to above (ie 2 of Sign 2, and 1 each of Signs 4, 5 & 5A), three of which would be illuminated (Signs 2 & 4). Not included in the application is an externally illuminated hanging sign (Sign 3) which, I understand, already has consent but was missing from its bracket at the time of my inspection.

13. The proposals for additional floodlights and replacement bollard lighting (planning and listed building applications) are the result of serious concern about both safety and security within the site and to provide good visibility of the site entrance. Although the subject of separate applications these lighting proposals and the sign lighting would, if fully implemented, increase the overall illumination at the appeal premises, against the background of a predominantly open rural area, notwithstanding the commercial premises to the south of the appeal site. I recognise the importance of the concern expressed by the National Trust, the Parish Council and others regarding the overall level of illumination and potential light pollution and its adverse effect on wildlife. I note, however, that the Council's lighting consultant considered that the scheme was within national guidelines with only a small amount of light spillage at the site boundary. However the effect of light reflected from cars had not been taken into account.

14. The floodlights, particularly those mounted on poles, intended to light the car parking

areas and roadway were subject to the greatest objection in the representations. I can understand the concern, but the technical evidence regarding these lights and the bollards, provided that these are correctly shielded, as proposed, indicates that the light spillage would be small. I am also aware that the poles and fittings and the wall mounted floodlights would not enhance the building or its surroundings, although the poles would be close to a background of trees which would reduce their impact. Nevertheless, I am satisfied that the need for the lighting to the roadway, car parking areas and the entrances to the building is sufficient to outweigh the adverse effects of the appearance of the equipment and of the light spillage on the listed building and on its surroundings, provided that the proposed shields and cowls are fitted. The scale of provision does not appear to exceed reasonable requirements.

15. In respect of the proposals that form the planning appeal, therefore, I am of the opinion that the floodlights and bollard lights are necessary and would not cause serious harm. I am also satisfied that the proposed bulkhead lights would not have a significant visual impact by day or night. Furthermore, I can see some benefit in the reduction in the overall number of bollard lights in terms of the general appearance of the grounds. I consider that, subject to control over levels of illuminance, provision of shields and hours of operation of the lights, the visual amenities of the immediate neighbourhood, the landscape conservation area and the Green Belt would not be significantly harmed, and that the character and appearance of the conservation area and the setting of the listed building would be generally preserved. In addition, with the appropriate control, I do not consider that the impact on wildlife would be serious.

16. With regard to the lighting proposals which form part of the listed building consent appeal, as indicated above, I have accepted the reasons for the floodlights fixed to the building to light the roadway and car parking areas. I consider that the placing of these would cause least harm to the building whilst satisfying the functional requirement. The 2 wall lanterns would only have a small impact and the 3 downlighters would be within the enclosed service yard and have no significant impact on the listed building or its surroundings.

17. The other light fittings, which are the subject of the listed building appeal, are for the illumination of the advertisement signs. I have therefore considered these lights in association with the relevant signs.

18. I note that there was no objection from the highway authority to any of the proposed signs and, having regard to the advice in Appendix B to the Annex to Circular 5/92, I do not consider that there is a significant risk to public safety from them. The externally illuminated double sided post mounted sign with a pair of externally illuminated amenity boards (Sign 1), situated by the vehicular access to the site, would replace the existing post sign. In my view this traditional type of pictorial sign is appropriate and with the direction signs serves to identify the entrance to the site. It would not have an adverse effect on amenity. The smaller wall mounted signs (Signs 4, 5 & 5A) and the associated lights would have no serious adverse impact on the building, in my opinion, or the visual amenity of the immediate neighbourhood.

19. The 2 large wall mounted illuminated signs (Sign 2) at first floor level on the north-west and south-east faces of the main building would be prominent as each of these would be seen approaching the site along the highway in relatively close proximity to the hanging sign (Sign 3). Although these signs are of a large scale in relation to the building itself they

would replace existing illuminated signs of the same size and the impact on the rural surroundings would be very similar. I therefore conclude that, as the proposed signs would not cause serious harm to the appearance and special interest of the Red Lion or to the or to the visual amenity of the immediate neighbourhood, the landscape conservation area or the Green Belt, and as the character and appearance of the conservation area would be preserved, advertisement consent and listed building consent should be granted.

20. In reaching these conclusions, I have taken account of all the other matters raised in the representations, but none of these is of sufficient weight to affect my decisions.

21. Having reached the conclusion that the appeals should be allowed, I have considered the conditions that it is necessary to apply. I have taken account of those suggested by the Council in the event of the appeals being allowed, your observations on these and the advice in Circular 11/95. In accordance with my observations above, conditions to control the spread of the illumination from the floodlights and the hours during which the external lights may be switched on are imposed in order to minimise the visual impact on the rural surroundings and the disturbance of wildlife. In addition, conditions are imposed to ensure that the proposed shields are fitted to lights to reduce the unnecessary spillage of light in the interests of visual amenity. A further condition is included to ensure that floodlights are fitted to the building in a manner which minimises harm. The standard conditions are applicable to the advertisement consent.

22. For the reasons given above and in exercise of powers transferred to me, I hereby allow these appeals and grant listed building consent, planning permission and advertisement consent for: (a) the erection of 14 lighting units to the exterior of the building and 5 wall mounted sign boards; (b) 4 floodlights mounted on 4m posts, 19 fluorescent bollards, and 4 bulkhead lights fixed to garden fence and (c) 1 externally illuminated double sided pole mounted sign with 2 amenity boards to replace existing, 3 externally illuminated wall mounted signs to replace existing, 1 wall mounted sign to replace existing, and 1 wall mounted sign respectively at The Red Lion Public House, Leighton Buzzard Road, Water End, Hemel Hempstead in accordance with the terms of applications Nos: 4/00475/97/LBC, 4/00474/97/FUL and 4/00476/97/ADV, all dated 27 March 1997, and the plans (drg nos: CL/4468/1, CL/4468/2, CL/4468/3, 4343/1B/LBC/Revised, 4343/1B/PL/Revised, 4343/1B/AC and M.K./17/96) and technical details submitted therewith subject to the following conditions:

#### Listed Building Consent

1. The works hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. The floodlights types L5 and L6 shall be fixed to the building fully in accordance with the details submitted as an amendment received by the local planning authority on 29 July 1997.
3. The floodlights type L1 shall be permanently fitted with custom cut-off shields.
4. The lights hereby permitted shall not be used between midnight and 0700 hours on any day.

### Planning Permission

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. The levels of illumination resulting from the installation of the light fittings hereby approved and the other lighting installed on the premises shall be in accordance with the detailed information, in the form of lighting plots, submitted by the applicant and forming part of the application.
3. The floodlights type L2 shall be permanently fitted with custom cut-off shields.
4. The bollard lights type L3 situated alongside the access roadway other than the 2 at the entrance to the site shall be permanently fitted with cowls to prevent back lighting into the surrounding area.
5. The lights hereby permitted shall not be used between midnight and 0700 hours on any day.

### Advertisement Consent

This is subject to the Standard Conditions.

23. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
24. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Sections 57 and 220 of the Town and Country Planning Act 1990 and Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Your attention is also drawn to the provisions of Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained for works for the demolition, alteration or extension of a listed building which would affect its character as a building of special architectural or historic interest.

Yours faithfully

R M BUSS

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Inspector

would replace existing illuminated signs of the same size and the impact on the rural surroundings would be very similar. I therefore conclude that, as the proposed signs would not cause serious harm to the appearance and special interest of the Red Lion or to the or to the visual amenity of the immediate neighbourhood, the landscape conservation area or the Green Belt, and as the character and appearance of the conservation area would be preserved, advertisement consent and listed building consent should be granted.

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21. Having reached the conclusion that the appeals should be allowed, I have considered the conditions that it is necessary to apply. I have taken account of those suggested by the Council in the event of the appeals being allowed, your observations on these and the advice in Circular 11/95. In accordance with my observations above, conditions to control the spread of the illumination from the floodlights and the hours during which the external lights may be switched on are imposed in order to minimise the visual impact on the rural surroundings and the disturbance of wildlife. In addition, conditions are imposed to ensure that the proposed shields are fitted to lights to reduce the unnecessary spillage of light in the interests of visual amenity. A further condition is included to ensure that floodlights are fitted to the building in a manner which minimises harm. The standard conditions are applicable to the advertisement consent.

22. For the reasons given above and in exercise of powers transferred to me, I hereby allow these appeals and grant listed building consent, planning permission and advertisement consent for: (a) the erection of 14 lighting units to the exterior of the building and 5 wall mounted sign boards; (b) 4 floodlights mounted on 4m posts, 19 fluorescent bollards, and 4 bulkhead lights fixed to garden fence and (c) 1 externally illuminated double sided pole mounted sign with 2 amenity boards to replace existing, 3 externally illuminated wall mounted signs to replace existing, 1 wall mounted sign to replace existing, and 1 wall mounted sign respectively at The Red Lion Public House, Leighton Buzzard Road, Water End, Hemel Hempstead in accordance with the terms of applications Nos: 4/00475/97/LBC, 4/00474/97/FUL and 4/00476/97/ADV, all dated 27 March 1997, and the plans (drg nos: CL/4468/1, CL/4468/2, CL/4468/3, 4343/1B/LBC/Revised, 4343/1B/PL/Revised, 4343/1B/AC and M.K./17/96) and technical details submitted therewith subject to the following conditions:

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2. The levels of illumination resulting from the installation of the light fittings hereby approved and the other lighting installed on the premises shall be in accordance with the detailed information, in the form of lighting plots, submitted by the applicant and forming part of the application.
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24. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Sections 57 and 220 of the Town and Country Planning Act 1990 and Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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Yours faithfully

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