

David Noble / 13



Appeal Decision

	ED	DP	DC	BC	The Planning Inspectorate Room 1404 Toullaton House Toullaton Street Bristol BS2 9DJ Tel: 0117 987 8927
Rec'd. 16 FEB 2001					Date 15 FEB 2001
Comments:					

Site visit made on 29 January 2001

by R E Hurley CEng MICE MBE

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

Appeal 1: APP/A1910/H/00/1965

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Bass Taverns Limited against the decision of Dacorum Borough Council.
- The appeal site is located at Fishery Inn, Fishery Road, Boxmoor.
- The application (ref: 4/01323/00/ADV) is dated 8 September 2000.
- The advertisement proposed is two sets of Ember Inns lettering and two sets of house names letters.

Summary of Decision: The appeal is dismissed.

Appeal 2: APP/A1910/A/00/1053219

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bass Taverns Limited (T/A Bass Leisure Retail) against the decision of Dacorum Borough Council.
- The appeal site is located at Fishery Inn, Fishery Road, Boxmoor
- The application (ref: 4/01322/00/FUL), dated 18 July 2000, was refused by notice dated 8 September 2000.
- The development proposed is the erection of a beacon structure.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. Section 222(a) of the Town and Country Planning Act 1990, as amended, indicates that if advertisement express consent is granted for a sign, this includes deemed planning permission for the development. S.55 of the 1990 Act makes clear that this includes any associated structure. S336 of the 1990 Act states that "advertisement" means any device, whether illuminated or not, employed for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure used for the display of advertisements. My view is that the term "structure" in this definition would include the proposed beacon on which the letters would be placed. Even without the lettering I consider that the beacon would satisfy the definition of advertisement in the Act because it clearly announces the presence of an Ember Inn. Similar beacons have been erected at some twenty-five Ember Inns throughout the country and are integral to the identity of each and every one those projects. I intend to treat both cases as the erection of one beacon sign.
2. The appeal site is a small piece of land on which the beacon would stand. The appeal site is located on a large parking area that is situated to the north and east of the Fishery Inn. Fishery Inn is a public house standing in the southwestern corner of a large generally L-shaped piece of land that fronts the eastern side of Fishery Road. At the time of my site inspection works were in progress to refurbish the inn. River Bulborne flows through and under the car park in a generally west to east direction. The Grand Union Canal runs along the southern boundary of the site. There is a tow-path on the southern side of the canal that

runs under a bridge over Fishery Road to reach a lock a short distance west of Fishery Inn. There is a large public open space, Boxmoor, between the canal and the A4251. Fishery Inn stands at the southern edge of a large built up area.

3. The proposed beacon would comprise three elements. A brick plinth, approximately 1.2m x 0.74m, a long brick and render shaft on top of which there would be a timber cornice supporting a hearth under a copper canopy with timber panels on two sides. The lettering The Fishery Inn would be situated just below the timber cornice with Ember Inns located above the hearth on the copper hood. The height of the beacon would be about 5.6m.

Appeal 1.

Main Issue

4. I consider the main issue in Appeal 1 to be whether the proposed beacon would harm the visual amenities of the area.
5. The character of the area derives partly from the built up area to the north of the site and partly from the canal and the large open space to the south, Boxmoor. The Fishery Inn and its associated car park through which a river flows and on which there are a significant number of trees and shrubs growing relates more closely to the rural character of the open space and the canal to the south than the urban area to the north.
6. Whilst the facing materials of the beacon have been designed to reflect the character of the existing Fishery Inn, its height and bulk would make it an imposing structure that would visually dominate the area round the building. Although the Fishery Inn would screen parts of the proposed beacon to some degree, it would be seen over and around the building in long and short distance views from many public vantage points in the surrounding area. People walking along the towpath and across Boxmoor would see it as a strong urban feature.
7. It is intended to illuminate the lettering Ember Inns and the adjacent fascia by fluorescent lighting. The house name would be lit by white neon lighting in a tray beneath the lettering. These lights would illuminate a large area of the beacon, some distance above ground level. My opinion is that the illuminated hearth and lettering would be visually prominent during the hours of darkness. Whilst the light sources would be at the generally the same height as the streetlighting along Fishery Road it would be a noticeably different type of lighting. The floodlighting on Fishery Inn would not significantly reduce the visual impact of the illuminated beacon during the hours of darkness. The beacon would be seen across the unlit area of Boxmoor from the A4251 and many other vantagepoints as a brightly lit, incongruous feature. I find that the beacon would consolidate the built up appearance of the area round the Fishery Inn, thereby having an adverse effect on the appearance of the area. I conclude that the beacon would harm the visual amenities of the area.

Material Considerations

8. The Appellants are spending considerable sums of money to refurbish the interior and exterior of the Fishery Inn. They regard the proposed beacon and signage as fundamental to the success of the business. My view is that the new and improved facilities at the Inn will attract local customers to the Inn, the clientele the Appellants seek to attract. Whilst the proposed beacon and signage would attract some custom because it would be seen clearly

from many points of view, I do not consider that it is fundamental to the success of the enterprise. In any event I find that the advantages to the Appellants do not outweigh the harm the beacon would cause to the visual amenities of the area.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the proposed beacon would be a visually intrusive feature that would harm the amenities of the area.

Appeal 2

Planning Policy

10. Policy 8 of the Dacorum Borough Local Plan, adopted April 1995, seeks to ensure that all new development is to high standard. Development will not be permitted unless it is in accordance with a number of matters set out in the policy. The most relevant of which are: (a) the proposal is appropriate in terms of design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views; (c) it respects the general character of the area; (d) it avoids harm to the surrounding neighbourhood through visual intrusion and, (i), it does not adversely affect and, where appropriate, enhances important landscape features. Policy 9 of the Dacorum Borough Local Plan Deposit Draft 1991-2011 reiterates most of Policy 8.

Main Issue

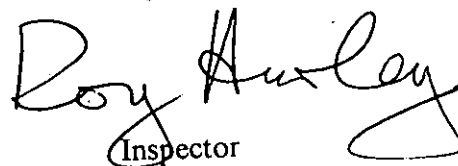
11. I consider the main issue in Appeal 2 to be the effects of the proposal on the character and appearance of the area.
12. For reasons similar to those given in Appeal 1, I find that the proposed beacon would be an incongruous feature that would harm the character and appearance of the area. Whilst Section 54a of the Town and Country Planning Act 1990, as amended, does not apply to Appeal 1, it does to this case. I conclude that the proposal would not be in accordance with (a), (c), (d) and (i) of Policy 8 of the adopted Borough Local Plan.
13. For the reasons given above and having regard to all other matters raised, I conclude that Appeal 2 should be dismissed.

Formal Decisions

14. In exercise of the powers transferred to me, I dismiss Appeal 1.
15. In exercise of the powers transferred to me, I dismiss Appeal 2.

Information

16. Particulars of the right of appeal against these decisions to the High Court are enclosed for those concerned.


Inspector