

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Shipton House
14 York Place
KNARESBOROUGH
North Yorkshire
HG5 0AA

Your Ref: P/26/96

Our Ref: APP/A19907/H/97/ME288						
DACORUM BOROUGH COUNCIL						
Date:	7 JUL 1997					
Ref.						Ack.
DOP		D.P	D.C.	B.C.	Admin	File
Received				10 JUL 1997		
Comments						
ADVERTISEMENTS						

Dear Sirs

TOWN AND COUNTRY PLANNING (CONTROL OF REGULATIONS 1992

APPEAL: BERKHAMSTED LAUNDRY, HIGH STREET, BERKHAMSTED
APPLICATION NO.4/1488/96

1. I am directed by the Secretary of State for the Environment to refer to the appeal of your clients, Johnson's Cleaners UK Ltd, against Dacorum District Council's refusal to permit the display at the above mentioned site of an internally-illuminated, free-standing, double-sided, totem sign measuring 1.4m x 4.5m. The Secretary of State's decision has been made on the basis of the written representations exchanged, the photographs submitted, and an inspection of the site by an officer of the Inspectorate.

2. The general description of the appeal site and its surroundings as given in the Council's statement enclosed with their letter of 14 March 1997 is accepted.

3. In their statement, the Council have referred to policies 47, 48 & 49 of the Hertfordshire Structure Plan and policies 1, 7, 8, 9, & 103 of the Dacorum Local Plan. The Council have also drawn attention to the provisions of section 54A of the 1990 Act, stating that the proposed display does not accord with the development plan. Under the provisions of section 220 of the 1990 Act and regulation 4 of the Regulations, advertisements are subject to control only in the interests of amenity and public safety. Accordingly, the view is taken that, without a statutory requirement within section 220 to have regard to the development plan, section 54A does not apply when determining advertisement applications and appeals. This does not, of course, preclude consideration of the development plan where it is considered to be a material factor, as in this case.

4. You and the Council have referred to a previous appeal decision. This should, however, be interpreted restrictively as the Secretary of State's views on the individual merits of that particular case only. Therefore, it is considered that

those views do not prejudice whatever conclusions he may come to on this appeal.

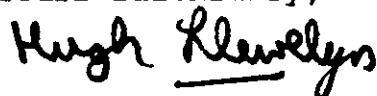
5. In considering the suitability of the site for the display of the advertisement, the Secretary of State has noted your comments about other advertisements in the area. However, Regulation 4(1)(a) enables the Council, or the Secretary of State on appeal, to disregard any advertisements being displayed in a locality when assessing its general characteristics and its suitability for the display of advertisements; it is proposed to exercise that discretion in determining this appeal.

6. Your representations claiming a commercial need for the sign are noted. As you point out, paragraph 9 of Planning Policy Guidance 19 states that it is generally accepted that, except in Areas of Special Control, anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons. Nonetheless, Regulation 4(1) requires that applications and appeals be considered only in the interests of amenity and public safety, taking account of any material factors. Thus, whilst your claim for a commercial need has been taken into account, it cannot be overriding in the determination of this appeal.

7. The appeal site comprises several buildings in use as a laundry and dry cleaners fronting the north side of the A4251 High Street to the west of the town centre. The appeal sign would be erected adjacent to the vehicular access and near to the modern, single-storey, flat-roofed dry cleaners building. On the north side of the High Street there is a house and a small workshop immediately to the west of the appeal premises whilst to the east are modest, traditional, domestic-scaled buildings in commercial use at ground level with what appears to be residential accommodation above. This scene contrasts with the modern and large-scale commercial buildings (two car dealers and a petrol filling station) on the southern side of the High Street. As the sign is significantly in front of the general building line of the north side of the High Street, there would be long views of the proposed sign along the street in both directions. Bearing this in mind as well as the sign's 6.3m² area, 4.5m height and bright red, yellow, white and blue colours, it is considered that the sign would appear a highly-intrusive, over-prominent structure that dominated the moderate scale of the nearby buildings on the north side of the street, thus eroding what remains of the traditional, domestic qualities of the locality. It is concluded, therefore, that the totem sign would be detrimental to the interests of amenity.

8. Accordingly, the Secretary of State hereby dismisses the appeal.

Yours faithfully,



HUGH LLEWELYN

Authorised by the Secretary of State
to sign in that behalf



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1488/96

Johnson Cleaners UK Ltd
c/o Crockatt Cleaning
150 Stoney Rock Lane
Leeds
LS9 7BL

Sovereign Signs Ltd
Rotterdam Road
Sutton Fields Industrial Estate
Hull
HU7 0XD

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Berkhamsted Laundry, High Street, Berkhamsted
FREE STANDING INTERNALLY ILLUMINATED POLE SIGN

Your application for *advertisement consent* dated 11.11.1996 and received on 18.11.1996 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 23.12.1996

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/1488/96

Date of Decision: 23.12.1996

The proposed totem sign which is located forward of the main wall of the adjacent building would be inappropriate and over prominent in the general street scene presenting a jarring, intrusive and unattractive feature detrimental to this part of Berkhamsted High Street.

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER