



DEPARTMENT OF THE ENVIRONMENT

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PLANNING DEPARTMENT							GTN 2074
DACORUM BOROUGH COUNCIL							
Ref.	Ack.					Your reference	
GPO	TOPP	DP	DL	DC	mm	File	JAF/TCP/083056
Received							Our reference
3 JAN 1989							APP/A1910/H/89/1263
							Date
							29 DEC 89

Pearce Signs Ltd
Insignia House
New Cross Road
London
SE14 6AB

Gentlemen

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1989
APPEAL: 193 HIGH STREET, BERKHAMSTED

- I am directed by the Secretary of State for the Environment to refer to the appeal of your clients, Eastern Electricity Board, against Dacorum Borough Council's refusal to permit the display, at the above-mentioned premises, of a fascia sign measuring overall 4.417m x 0.611m with internal illumination confined only to lettering and logo and a double-sided projecting box sign measuring 0.7m square with internal illumination confined to logo. The Secretary of State's decision has been made on the basis of the written representations and the submitted photographs and an officer of the Department has inspected the site.
- The description of the appeal premises and their surroundings, contained in the Council's statement, enclosed with their letter of 25 October, is accepted.
- The Council have referred to their local policies for control over the display of advertisements in Conservation Areas. While the Secretary of State accepts that they may have regard to these policies in considering the proposed display, he considers that the appeal must be determined solely on its merits, by reference to considerations of "amenity" as specified in Regulation 4.
- The site is in the Berkhamsted Conservation Area where it is necessary to pay special attention to the desirability of preserving or enhancing its character and appearance. Whilst this designation does not necessarily preclude the display of well-sited illuminated signs of suitable size and design, particularly on commercial premises in mainly commercial areas, it is to be expected that it will result in a strict control being maintained to ensure that outdoor advertisements do not spoil the appearance of the area. As this is a busy commercial area, it is also important that local authorities use their powers under the Regulations flexibly, whilst still having regard to the conservation status of the area. The appeal premises are a two storey building with an additional gable storey, in use as an electricity showroom at ground floor level, situated on the southern side of the High Street, which carries the main A41 trunk road through the town. Adjoining the premises to the east is a statutory listed building in use as a bank. There are also several other listed buildings in this busy shopping street. The fascia sign would measure about 4.4m x 0.6m and would be sited above the modern plate-glass shopfront of the electricity showroom. It would be constructed of aluminium with a matt blue acrylic face panel, stencil cut and superimposed with lettering. Although to be constructed of modern materials, it is considered that the sign,



would be relatively modest in size and that its contemporary appearance would reflect that of the modern shopfront. Its internal illumination would be confined to the individually-lettered portion of the sign which covers only about one-third of the surface area and it is thought that this would not look excessive when seen against the light spilling from the windows of the premises and the adjoining shop to the immediate west. The projecting sign would be constructed of stainless steel with a blue acrylic face panel, stencil cut and superimposed with a motif which would be internally illuminated. It would be sited at the western end of the fascia panel and would measure 0.7m square and it is considered that this relatively modest sign with its internal illumination restricted to the motif would not look out of place or overlarge on this modern shopfront or that it would detract from the appearance of the adjoining listed building which, it is noted, has a projecting sign capable of internal illumination and constructed of modern materials. It is noted that the Council are particularly concerned to ensure that commercial signage in this part of the Conservation Area, where there are a number of listed buildings, should be of appropriate design and materials. However, the basic character of the High Street is of a busy commercial area and bearing this in mind, it is not thought that these signs of relatively modest size and degree of illumination sited above a modern shopfront would be incompatible with its conservation status. It is therefore concluded that the display of the proposed internally illuminated fascia and projecting box signs would not be incompatible with the conservation status of the area, nor detrimental to the interests of visual amenity.

5. Accordingly, the Secretary of State allows the appeal and grants consent for the display for 5 years from the date of this letter of the internally illuminated fascia sign and the internally illuminated double-sided projecting box sign, as applied for.

6. This letter does not purport to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Regulation 5 of the Regulations.

I am Gentlemen
Your obedient Servant



M J SAINSBURY
Authorised by the Secretary of State
to sign in that behalf

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**TOWN AND COUNTRY PLANNING ACTS 1971 - 1974
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1989
APPEAL TO THE HIGH COURT - APPLICABLE TO ALL APPEALS**

1. Under the provisions of Section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.
2. The grounds upon which an application may be made to the Court are:-
 - a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
 - b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.
3. The "relevant requirements" are defined in Section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any Order, Regulations or Rules made under those Acts, or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1989 (SI 1989 No 670) and the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419).
4. A person who thinks he may grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS - APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING

5. Under the provisions of Rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the report, whichever is the later, for an opportunity of inspecting any documents, photographs, and plans appended to the report. Such documents etc, are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference No. shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.