

Appeal Decisions

Site visit made on 3 October 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 November 2016

Appeal A Ref: APP/R5510/Z/16/3157043

Telephone Kiosk Outside 51 Green Lane, Northwood, Hillingdon HA6 3AE

- 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 New World Payphones against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44972/ADV/2016/34, dated 13 April 2016, was refused by notice dated 8 June 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal B Ref: APP/R5510/Z/16/3157047

Telephone Kiosk Outside 140 High Street, Ruislip, Hillingdon HA4 8LL

- 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 New World Payphones against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 48376/ADV/2016/37, dated 13 April 2016, was refused by notice dated 8 June 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal C Ref: APP/R5510/Z/16/3156907

Telephone Kiosk Outside 50 High Street, Ruislip, Hillingdon HA4 7AN

- 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 New World Payphones against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71714/ADV/2016/30, dated 13 April 2016, was refused by notice dated 8 June 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal D Ref: APP/R5510/Z/16/3157021

Telephone Kiosk Outside 17 Swakeleys Road, Ickenham, Hillingdon UB10 8DF

- 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 New World Payphones against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71715/ADV/2016/31, dated 13 April 2016, was refused by notice dated 8 June 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal E Ref: APP/R5510/Z/16/3157033

Telephone Kiosk Outside 56 High Street, Uxbridge, Hillingdon UB8 1JP

- 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 New World Payphones against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 25339/ADV/2016/32, dated 13 April 2016, was refused by notice dated 8 June 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decision Appeal A

1. The appeal is allowed and express consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Decision Appeal C

3. The appeal is dismissed.

Decision Appeal D

4. The appeal is dismissed.

Decision Appeal E

5. The appeal is allowed and express consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Procedural Matters

6. As set out above there are five separate appeals. Whilst each appeal relates to a different site, the advertisements being proposed are the same. I have considered each proposal on its individual merits, but as they raise similar issues I have dealt with the cases in a single decision letter.
 7. The new kiosks, which are yet to be installed, would replace an older style telephone box in each location. They would be contemporary structures with an open front to provide improved access for disabled persons. The proposed advertisement would be integral to the rear of the kiosk.
 8. In each case, the advertisement would comprise a single digital 'poster panel' measuring 1650 millimetres high by 928 millimetres wide. I am told that this is very slightly taller and narrower than a 'standard' 6-sheet display, although of roughly the same overall face area.
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9. The digital panels would display a sequence of static images, changing no more frequently than every 10 seconds through a smooth fade. The appellant states that illumination would be controlled through light meter so that the advertising material is visible in the surrounding ambient light, but without being overly bright or causing glare. During darkness, the illumination would be restricted to a maximum of 280 candelas per square metre.
10. It is unclear from the evidence before me whether the kiosks themselves have the benefit of planning permission. However, the appeals have been lodged against the refusal of advertisement consent and in this context my assessment must focus upon the proposed advertisements.
11. The appellant's evidence makes reference to the features of the new kiosks, the advantages to their users and the benefits of digital displays to advertisers and the environment. My attention is further drawn to the economic benefits flowing from outdoor advertising. Whilst I have noted these submissions the legislation stipulates that controls over advertisements should be operated in the interests of amenity and public safety. Those are the sole matters for consideration.
12. I made two inspections for each appeal, one during the daytime and another in the hours of darkness. This enabled me to assess the proposals in different lighting conditions.

Main Issue

13. The Council is content that the proposals would not harm public safety. The main issue in each of these appeals, therefore, is the effect of the proposed advertisement on amenity.
14. All of the sites are located in Conservation Areas. In each case I have paid special attention to the desirability of preserving or enhancing the character or appearance of the relevant Conservation Area¹.

Reasons

15. The National Planning Policy Framework explains at Paragraph 67 that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It states that control over outdoor advertisements should be efficient, effective and simple in concept and operation, and that it should take account of cumulative impacts.
16. Development plan policy is not the starting point in advertisement cases², but I have taken it into account. Saved Policy BE27 of the London Borough of Hillingdon Unitary Development Plan (1998) (UDP) states, amongst other things, that express consent for advertisements will only be granted if they are of such a size and so designed and located that they: (1) complement the scale, form and architectural composition of individual buildings; and (2) do not materially harm the visual amenity in the area.
17. The other policies cited on the decision notice are principally related to new development but they are relevant insofar as the Council is seeking to ensure that proposals harmonise with the existing street scene and complement the character and appearance of the area.

¹ This is a statutory duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² As S.38(6) of the Planning and Compulsory Purchase Act 2004 does not apply

18. A common objection raised in each appeal is that the digital nature of the advertisement would make it more prominent within the Conservation Area. The appellant has explained the mechanisms by which brightness would be controlled and I have noted that illumination levels during darkness would be well within the maximum limit recommended by the Institute of Lighting Professionals for installations within commercial areas. Whilst I can appreciate the Council's concerns, there is no technical reason why digital displays should be any brighter or more intrusive than a conventional advertisement display unit with internal fluorescent lighting. I have assessed them in much the same manner.
19. The site for **Appeal A** is located on the pavement in Green Lane, not far from its junction with Maxwell Road and within the commercial core of Northwood. It lies within the Northwood town centre, Green Lane Conservation Area.
20. The existing phone box, which would be replaced as part of the proposed advertisement, is a tired looking feature in what is otherwise an attractive street scene containing a mix of high quality buildings. The new kiosk would introduce a more appropriate, modern feature and in this respect it would improve visual amenity.
21. The digital screen would be contained within the outline of the kiosk and it would be similar in size to the advertisement on the rear panel of an existing BT telephone kiosk further to the west. The latter is a mechanical display unit which rotates the image with greater frequency than is being proposed. It is also internally illuminated at night. The appellant has stated that the digital display would be no brighter and there is no firm evidence to the contrary.
22. Overall, it seems to me that the advertisement would add visual interest to a wider area where illuminated signage associated with shops and local commerce is common. There would be no harm to the Northwood town centre, Green Lane Conservation Area or conflict with development plan policy. Appeal A therefore succeeds.
23. The site for **Appeal B** lies on Ruislip High Street towards its southern end, and within the Ruislip Village Conservation Area. The Conservation Area in this location is characterised by a mix of twentieth century buildings with retail uses at ground floor level. The pavements are generously wide and modern signage and shop fronts predominate, giving the area a strong commercial character.
24. The existing telephone box, which would be replaced as part of the proposed advertisement, sits near the kerbside edge of the footway. Within a short distance of the site are various items of street furniture, some of which incorporate advertising material. I noted display panels of a similar size to that being proposed on a bus shelter, dedicated freestanding advertisement unit and BT telephone kiosk. During my evening visit I saw that these are illuminated, as is much of the shop signage in the vicinity. The BT kiosk also incorporates a mechanical unit which rotates the image, as in the case of Appeal A.
25. The proposed digital display would be viewed as part of a busy street. Its size would not be excessive when compared to other advertisements in the vicinity and it would appear unsurprising in the context of the new kiosk and the commercial activity surrounding it. The sequential changes of image would be part of a constantly moving environment and for this reason they would not be unduly harmful.

26. Taking all of the above into account, I find that there would be no harm to amenity. The character and appearance of the Ruislip Village Conservation Area would be preserved and the proposal would comply with development plan policy. Appeal B therefore succeeds.
27. The site for **Appeal C** also lies in Ruislip High Street, but at the northern end. Although still commercial, this area has an altogether different character. With the exception of an internally illuminated advertising panel on the public toilet block at the junction with King Edward's Road, there is a notable absence of illuminated advertisements on street furniture.
28. The pavements are also considerably narrower when compared to Appeal B and the buildings either side of the street are more domestic in scale. Night-time illumination is still in evidence but on the whole it is softer and more restrained. The frontage to the cemetery opposite the appeal site is unlit and provides welcome relief, contributing to a pleasant village ambience.
29. Although the street as a whole is well lit, I consider that the size of the illuminated digital panel would make it a dominant and overbearing feature for pedestrians on this constrained section of footway. The sequential changes in image would further draw the eye to the display. In my opinion it would be intrusive in this location and harmful to the character and appearance of this part of the Ruislip Village Conservation Area. As such, the proposal would be harmful to visual amenity and it would conflict with Policy BE27 of the UDP. Accordingly, I conclude that Appeal C is dismissed.
30. The site for **Appeal D** lies within the Ickenham Village Conservation Area. It forms part of the pavement fronting a parade of shops on the south side of Swakeleys Road stretching west from its junction with the B466 High Road. The parade is commercial in nature but it is fairly low key, having the appearance of a local centre serving the surrounding residential neighbourhoods. The environment is green and leafy, which reinforces an attractive village type atmosphere.
31. The existing telephone box is a fairly innocuous feature on the pavement in front of the shops. I noted a range of street furniture along the parade. However, with the exception of a pair of bus shelters which are out of view to the west these are unilluminated. At night I saw that some of the commercial premises have lit fascias. However, in general these use external forms of lighting which are more subtle in appearance than internally illuminated signage.
32. During the daytime the proposed digital panel would be unlikely to attract undue attention. However, in the hours of darkness it would be significantly more noticeable by reason of its large area of internal illumination where none presently exists and the regular change of image. Given the nature of the area described above and the absence of similar forms of lighting in the immediate locality, I consider that this would be visually intrusive and detrimental to the character and appearance of the Ickenham Village Conservation Area. For this reason, it would be harmful to amenity and contrary to Policy BE27 of the UDP. As such, Appeal D fails.
33. The site for **Appeal E** lies in central Uxbridge, within the Old Uxbridge/Windsor Street Conservation Area. The telephone box to be replaced is located on a wide footway near the entrance to a pedestrianised section of the High Street. It sits amongst various other items of street furniture which include bicycle stands, benches, telephone boxes and a tall cylindrical poster drum. There is

also an adjacent set of traffic lights and barrier railings which form part of a pedestrian crossing.

34. The proposed digital panel would face east and as such it would be visible from the direction of Belmont Street. From here it would be read in the context of The Pavilions shopping centre behind and the flats above. This modern development is the dominant feature on this corner, notwithstanding the presence of historic buildings diagonally opposite and further to the east along the High Street.
35. I visited the area at night and saw that it is a vibrant commercial area with high pedestrian footfall. The internally illuminated poster drum and neighbouring shop window displays give the area a bright, well lit appearance. I noted illuminated advertisement panels on nearby bus stops and on the rear face of a BT telephone kiosk. The latter incorporates a mechanical unit which rotates the image on a frequent basis. In this context, and given the general level of activity in this area, the proposed advertisement would not appear out of place or harmful to the character or appearance of the Old Uxbridge/Windsor Street Conservation Area. There would be no harm to amenity or conflict with development plan policy and therefore Appeal E succeeds.

Conditions

36. The Council has not suggested any conditions to add to the five standard conditions which are set out in the Regulations. However, in the interests of amenity I consider that two further conditions are required in each case to restrict the intensity of illumination between dusk and dawn and ensure that the digital displays are showing only static images with changes no more frequently than once every ten seconds. Both main parties have indicated that they are content with these additional conditions.

Conclusion

37. For the reasons given above, Appeals A, B and E succeed. For the reasons given above, Appeals C and D do not succeed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

(Appeals A, B and E)

1. The digital advertisement panel hereby granted consent shall display static images only and the images shall be changed no more frequently than once every ten seconds through a smooth fade. No moving images or special effects shall be shown.
2. The intensity of illumination of the digital advertisement panel hereby granted consent shall be no greater than 280 candelas per square metre during the period between dusk and dawn.