

Appeal Decision

Site visit made on 8 November 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 2nd December 2016

Appeal Ref: APP/Q5300/Z/16/3155129
42 Fore Street, Edmonton, Enfield N18 2SS

- 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 Insite Poster Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/04906/ADV, dated 28 October 2015, was refused by notice dated 2 June 2016.
 - The advertisement proposed is replacement of existing single sided internally-illuminated backlit 48 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of existing single sided internally-illuminated backlit 48 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit as applied for. 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 following additional conditions:
 - 1) The minimum display time for each advertisement shall be 10 seconds and advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
 - 2) Advertisements shall be static with no special effects of any kind during the time that any advertisement is displayed and the interval between successive displays shall be instantaneous (0.1 seconds or less).

Preliminary matter

2. There is dispute between the main parties in respect of whether the existing advertising unit benefits from deemed consent under the provisions of Class 13 of the Regulations. On this matter, the appellant has provided a number of dated and signed documents which show that an advertising unit has been in situ at 42 Fore Street since at least 1995. This originally comprised a 48 sheet 'Ultravision' advertising unit. Moreover, photographs dated 26 May 2005 show that a 48 sheet internally illuminated advertising unit, with similar dimensions to the existing advertising unit, was in place at the time. Consequently, having regard to the provisions of the Regulations, and on the basis of the evidence before me, I consider that the existing advertising unit is likely to benefit from deemed consent. I have considered the appeal on this basis.
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Main issue

3. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

4. The existing advertising unit, according to the submitted plans, measures 6 metres (m) in length, 3m in height and 0.65m in depth and is located in a prominent position at first floor level on the southern flank wall of No 42. It has an internal luminance level of 800 candela per square metre (cd/sqm) and incorporates a single vinyl image. No 42 is a three-storey end of terrace building with a commercial use at ground floor level and is located at the entrance to Angel Edmonton Shopping Centre (AESC). The AESC is a designated retail centre, which extends north along Fore Street, a busy main road, from No 42. The area is therefore commercial in character and the existing advertising unit, which has been part of the streetscape for a considerable period of time, is seen within this context. In addition, given its location at first floor level, it appears well framed by the brickwork of the ground and second floors of the southern flank wall of No 42.
5. The proposal seeks to replace the existing advertising unit with an advertising unit of the same dimensions, with the exception that it would be shallower in depth. It would have an illuminated digital LED screen and would have the ability to display sequential, static adverts.
6. Paragraph 67 of the National Planning Policy Framework sets out that poorly placed advertisements can have a negative impact on the appearance of the built environment and further recognises that cumulative impacts should be taken into account in the interests of amenity. The Planning Practice Guidance suggests that advertisements may be permitted in an industrial or commercial area of a major city, where there are large buildings and main highways and where the advertisement would not adversely affect the visual amenity of the neighbourhood.
7. The appellant sets out that the proposed advertising unit would have a luminance level of 600cd/sqm during the day and 300cd/sqm during the night in accordance with the guidance of the Institute of Lighting Professionals¹. The luminance levels would therefore be considerably less than as existing. As such, the proposed advertising unit would not appear any more prominent or visually intrusive than the existing advertising unit in this respect, including in long distance views from along Fore Street to the south of No 42. In addition, the reduction in depth of the advertising unit would provide some visual amenity benefit given that it would sit more flush with the southern elevation of No 42.
8. I accept that the proposed sequential imaging would result in a change to the format of the existing advertising unit. Nevertheless, I did not observe any other such advertising units in the local area and none have been highlighted within the evidence. As such, there would be no harmful cumulative impacts as a result of the proposal. Moreover, whilst the proposed sequential adverts may draw the eye to a greater extent than a single vinyl image, this would be seen in the context of the commercial character of the area and a busy main road.

¹ The Institute of Lighting Professionals *Professional Lighting Guide 05- The Brightness of Illuminated Advertisements*

9. Consequently, the proposed advertising unit would be appropriately placed, given the commercial character of the area and that it would replace an existing internally illuminated advertising unit which is likely to benefit from deemed consent. Moreover, in my view, the proposal would not result in a material change from the existing advertising unit. It would not, therefore, have a harmful effect on the visual amenity of the area.
10. I have taken into account Policy DMD41 of the Enfield Council Development Management Document adopted 2014; and Policy 30 of The Enfield Plan Core Strategy 2010-2025 adopted 2010, which seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Conditions

11. In addition to the standard conditions, I have had regard to the conditions suggested by the appellant. I have amended some of these for clarity and conciseness. I agree that conditions relating to display time, the static nature of images and the period of change between images are necessary in the interests of visual amenity.
12. However a condition relating to luminance levels at varying times of the day is not necessary given that luminance levels are clearly set out within the terms of the application. It would also be difficult for the Council to enforce such a condition due to seasonal changes. I also do not consider it necessary to impose a condition to restrict any images that resemble road signs or traffic signals given that it is unlikely that motorists would mistake them for such.

Conclusion

13. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR