
Appeal Decision

Site visit made on 17 January 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/F5540/Z/16/3161908

RAM Westgate Limited, 1128 Great West Road, Brentford TW8 9BS

- 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 Mr Ajai Kapoor (Ram Westgate Limited) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/AE/AD13, dated 28 April 2016, was refused by notice dated 19 September 2016.
 - The advertisement proposed is erection of advertisement tower for the display of 2 no LED digital displays.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In accordance with the National Planning Policy Framework and the Regulations¹, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

Main Issue

3. No issues have been raised in relation to public safety in this appeal. Therefore the main issue in this case is the effect of the advertisement on visual amenity.

Reasons

4. The proposed mesh clad monopole structure would measure around 20.5m in height and would include two LED advertising displays, each measuring around 7.5 m in height and 5m in width. The structure would be located on land at Ram Westgate Ltd, a vehicle repairs garage and MOT centre, adjacent to the busy Great West Road (A4) and M4 highways. The A4 runs beneath the elevated M4 at this location, such that the highway infrastructure dominates the locality.
5. The appeal site lies adjacent to the Great West Quarter, an extensive modern mixed use development. This has resulted in recent residential development being constructed within the locality, resulting in a more mixed pattern of

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

- development compared to the previously dominating commercial and industrial uses.
6. Whilst there are tall commercial and residential buildings to the rear and adjacent to the site, these are generally set back from the highway with some being separated from the road by incidental open spaces and parking areas. The appeal site itself comprises a single storey building with parking areas to the front, partially enclosed by metal fencing. Furthermore, on my site visit I saw that within the vicinity of the appeal site advertisements are relatively small in scale and are not unduly prominent.
 7. The proposal would introduce a visibly prominent and tall tower into the appeal site which is currently characterised by low level development. Whilst I recognise that the proposal would be lower in height than some adjacent buildings and the use of mesh materials would allow some views through the structure, it would still be highly visible from within the street scene, particularly due to its prominent location adjacent to a footpath, cycleway and the A4 main road. Due to its size and location, I consider the structure would appear as an incongruous feature to pedestrians, cyclists and road users and would introduce visual clutter within the street scene. As such the advertisement would have a discordant visual impact on its surroundings.
 8. Whilst the appellant has drawn my attention to other tower advertisements that have been permitted along the A4/M4, those within the vicinity of the appeal site are on the northern side of the highway and at street level are generally separated from view by the elevated M4. In any case other existing advertisements do not set a precedent. Both parties have also referred to an appeal decision² for an advertisement on an adjacent building which was dismissed. However this was for a different form of advertisement at a different height and is not directly comparable. I can confirm that the appeal proposal has been dealt with on its own merits.
 9. The Council has suggested that the advertisement could give rise to increased disturbance to occupants of the nearby Key Eye Apartments through light pollution and impact on the use of their private amenity space. However, based on the evidence before me, I consider that as the tower would be lower in height compared to the residential apartments, the displays would face the highway and there would be a separation distance between the structure and the building, I do not consider that the proposal would result in adverse harm in this regard. However this lack of harm would have a neutral effect and therefore does not outweigh the overall harm I have found on visual amenity.
 10. Consequently taking the above factors into account I conclude that the proposal would be materially harmful to visual amenity. The Council refer to the London Borough of Hounslow Local Plan (2015) Policy CC1 which seeks development that conserves and enhances character; Policy CC2 which seeks high quality urban design; and Policy CC5 which includes seeking advertisement proposals that do not result in visual clutter or a proliferation of harmful advertising.
 11. As the regulations to control advertisements require that decisions are made only in the interests of amenity and public safety, these development plan policies cannot alone be decisive. However I have taken them into account as

² Appeal Ref: APP/F5540/Z/15/3130174

a material consideration. Furthermore, I have had regard to the National Planning Policy Framework (the Framework), which seeks to prevent the negative impact of poor advertisements. Given I have concluded that the advertisement would harm amenity, the proposal conflicts with these policies and the Framework.

Conclusion

12. For the reasons given above, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR