

Appeal Decision

Site visit made on 23 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: 15 February 2017

Appeal Ref: APP/F5540/Z/16/3164772

Land adjacent to 1010 Great West Road, Brentford, Middlesex TW8 9JY

- 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 Martin Stephens (JCDecaux UK Limited) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00134/D/AD3, dated 2 September 2016, was refused by notice dated 31 October 2016.
 - The advertisement proposed is replacement of the existing advertisements on the existing structure with two digital displays of the same size and in the same position.
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Decision

1. The appeal is allowed and consent is granted for the replacement of the existing advertisements on the existing structure with two digital displays of the same size and in the same position, as applied for. The consent is for five years from the date of this decision as set out in the Regulations and the following additional conditions:
 - 1) The double sided advert panel hereby approved shall be a static display and not a moving display and the lighting is to be as described in the specification.
 - 2) The illumination levels shall not exceed 300cd/m. The illuminance levels shall be checked once every 6 months and adjusted if necessary to ensure that the lighting remains within permitted levels.
 - 3) Any change in advertisement display shall be instantaneous.
 - 4) The sequential advertisements shall not change more than once every 10 seconds.
 - 5) The applicant shall provide a Construction Management Plan. The plan shall include full details of the structural design of the foundations, including geotechnical data, the sign substructure and sign fixing arrangement, to satisfy Connect Plus (CP) who are Highways England's operations and maintenance provider, that the sign will remain stable and not fall onto highway land. The Construction Management Plan shall be approved by CP prior to commencement of any construction works.
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Procedural matter

2. In accordance with the National Planning Policy Framework (the Framework) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, 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.
3. For reasons of succinctness I have used the description of the proposed advertisement as set out in the decision notice as this accurately reflects the proposal and does not refer to the existing displays which is superfluous information.
4. Both the Council and appellant suggested conditions within their evidence, but did not comment on the other party's suggestions. Both main parties were therefore given the opportunity to submit comments in this regard and responses have been taken into account during my consideration of the appeal.

Main Issue

5. No objections 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 amenity.

Reasons

6. The proposal relates to an existing advertising tower around 30m in height which faces traffic on the elevated M4 highway. The proposal would replace the existing internally illuminated poster panel adverts with two digital displays. The site lies immediately south of the elevated M4 carriageway. The surrounding area is of mixed commercial and residential character, which is dominated by the mass and sheer scale of the motorway and also the extent of the adjacent Great West Road highway infrastructure. In addition there are tall commercial and residential buildings and existing advertisements within the locality.
7. Approximately 60m to the north east of the appeal site along Boston Park Road and on the northern side of the M4 carriageway, lies St John's Roman Catholic Church. I note that this became a grade II listed building in March 2016. This building is separated from the appeal site by the dominant road structure, a modern block of student accommodation and an office building.
8. Whilst the proposal would introduce frequently changing LED displays into the existing tower, the position, orientation, presentation and size of the advertisements would remain the same and the intensity of the illumination would meet all required standards. I saw on my site visit that when viewing the advertisement tower from the front of the church, the majority of it, including the display panels, is screened from view by the substantial elevated M4 structure. Consequently the new displays proposed would not be visible when viewed from the street in close proximity to the church.
9. I accept that one of the display panels would be visible when viewed from further along Boston Park Road. However on my site visit when walking in a westerly direction along this road from Windmill Road I saw that the church is not overly prominent visually, particularly when viewed within the context of

the existing character of the surrounding urban streetscape. This is dominated by the existing built form, particularly the elevated M4 carriageway which can be seen behind the church and another tall advertisement tower in close proximity which is visually prominent above the motorway to the south of the church.

10. I note that this adjacent tower has frequently changing LED digital displays. I consider that this, together with the lighting levels that are present on the motorway and on adjacent streets from street lamps and buildings, means that there is already an existing level of illumination within the locality. I do not consider that the appeal proposal would add so significantly to the existing level of illumination within the area that it would be detrimental. Furthermore the level of luminance within the digital displays could be conditioned to ensure it met the required standards.
11. Taking account of the above factors I consider that from Boston Park Road the proposed digital displays would be seen within the context of the tall commercial building situated prominently behind it, the highway infrastructure in front of it and the digital advertisement tower to the east. Other views of the displays would be dominated by mainly commercial development. On this basis I do not consider that the digital displays would be unduly prominent. Accordingly I do not consider that the proposal would result in material harm to the character and appearance of the surrounding area. In addition because of the development's modest separation distance from the church and its location on the opposite side of the M4 carriageway, I consider it would not have an adverse effect on the listed building or its setting, either on its own or cumulatively with the adjacent advertisement.
12. Overall therefore I do not consider that the proposal would be out of keeping or so dominant that it would significantly detract from the existing urban environment. Consequently I conclude that the proposal would not be detrimental to amenity.
13. The Council refers 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; Policy CC4 which seeks to protect and enhance heritage assets; and Policy CC5 which includes seeking advertisement proposals that do not result in visual clutter or a proliferation of harmful advertising.
14. 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 a material consideration. Furthermore, I have had regard to the Framework, which seeks to prevent the negative impact of poor advertisements. Given I have concluded that the advertisement would not harm amenity, the proposal accords with these policies.

Conditions

15. In addition to the five standard conditions, the Council has suggested some additional ones. The appellant has also suggested a number of conditions, though these are reasonably similar to the Council's except in respect of the frequency of the display changes. Nevertheless I note that the appellant is content for most of the Council's conditions to be imposed.

16. Therefore in the interests of safety and amenity I attach conditions requiring the displays are static, change instantaneously and set out maximum illumination levels. In the interests of highway safety a Construction Management Plan is also imposed.
17. However the Council's suggested condition to permit a minimum display frequency change of 30 seconds based on highway safety grounds is unreasonable and unnecessary. Based on the evidence that is before me, I see no reason why the minimum frequency change should not be set at a minimum of 10 seconds. This frequency has been suggested by the appellant and recommended by both Transport for London and Highways England. I therefore impose this condition in the interests of highway safety.
18. The Council has also suggested a condition requiring that the display of the advertisement be begun before the expiration of five years from the date of this permission and another requiring the proposal is approved for a period of 5 years. However under the Regulations consent is granted for a standard period of 5 years. These conditions are therefore unnecessary and I do not impose them.

Conclusion

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

Y. Wright

INSPECTOR