

Appeal Decision

Site visit made on 27 February 2017

by Christa Masters MA (hons) MRTPI

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

Decision date: 7th March 2017

Appeal Ref: APP/A5270/Z/17/3166621

Advertising right at 1 The Vale, The Vale, Acton W3 7SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Paul O'Sullivan against the decision of The Council of the London Borough of Ealing.
 - The application Ref 164989ADV, dated 28 September 2016, was approved on 23 November 2016 and planning permission was granted subject to conditions.
 - The development permitted is replacement of existing backlit 48-sheet advertising display with 48-sheet digital display.
 - The condition in dispute is No 2 of the 2nd Schedule which states: The minimum duration of each image to be no less than 60 seconds.
 - No reason is given for the condition.
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Decision

1. The appeal is allowed and the advertisement consent Ref 164989ADV for replacement of existing backlit 48-sheet advertising display with 48-sheet digital display at advertising right at 1 The Vale, The Vale, Acton W3 7SH granted on 23 November 2016 by The Council of the London Borough of Ealing is varied by deleting condition 2 of the 2nd Schedule and substituting it with the following condition:

The minimum duration of each image to be no less than 10 seconds.

Background and Main Issue

2. Planning permission has been granted for the replacement of the internally illuminated hoarding sign with a digital display. Condition 2 of Schedule 2 states that the minimum duration of each image shall be no less than 60 seconds and the appellant wishes to amend this to no less than 10 seconds.
3. From the evidence presented, I consider the main issue to be whether the condition is necessary and reasonable having regard to the safety of pedestrians, cyclists and drivers.

Reasons

4. The appeal site comprises a hoarding located on the flank elevation of the corner property at the junction with The Vale and St Elmo Road. It is positioned at first floor level and is visible from The Vale. The surrounding area is mixed commercial and residential in nature.
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5. The advertisement proposal would provide static images rather than moving images. The appellant has explained that the advertisement would therefore not contain any movement, animation or flashing lights. The appellant has also explained that the interchange between each image is virtually instantaneous.
6. Although no reason has been provided for condition 2 as it currently stands, the delegated officer's report indicates that the Council's concerns in this regard appear to relate to the existing cycle lane and the potential for the advertisement to distract drivers travelling westbound wanting to turn into St Elmo Road.
7. The existing advertisement is noted as being a long standing part of the established street scene. The Vale is a well lit road. The Council have concluded within the officer's report that the replacement advertisement is acceptable, would not result in a more noticeable or prominent advertisement than the existing one or make any material difference in terms of distraction. The sign will be viewed within in the context of the established commercial premises in this location. Personal Accident Injury data from the past 5 years has been provided which confirms no accidents at the appeal site. Taking into account all of these factors, I am not convinced that the change of the image to every 10 seconds would cause material harm to the safety of pedestrians, cyclists and drivers.
8. As a result, I conclude the variation of the wording of condition 2 of schedule 2 would cause no material harm in terms of pedestrian, cyclists and driver safety.

Conclusion

9. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be allowed and the wording of condition 2 of the second schedule is varied as set out above.

Christa Masters

INSPECTOR