

Appeal Decision

Site visit made on 28 February 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/T5720/Z/17/3167557

Land adjacent to 390 Church Road, Merton, London SW19 2QF

- 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 Merton.
 - The application Ref 16/P3790, dated 28 September 2016, was refused by notice dated 1 December 2016.
 - The advertisement proposed is a replacement of a 48 sheet advertising display with a 48 sheet backlit display.
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Decision

1. The appeal is allowed and express consent for the display of a replacement 48 sheet advertising display with a 48 sheet backlit display 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 following additional conditions:-
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 600 cd/m² during daylight hours and no greater than 300 cd/m² at night and the advertisement display shall be static at all times.
 - 2) The adjoining 96 sheet advertisement panel shall be removed in its entirety before the sign hereby permitted is first illuminated.

Main Issue

2. The main issue is the effect of the sign on the character and appearance of the area with regard to visual amenity.

Reasons

3. The appeal site is located on the eastern side of Church Road and on the corner with Western Road. It currently comprises two non-illuminated adverts set behind a landscaped area. One advert (which I shall refer to as Advert A) comprises a 48 sheet paper and paste display panel measuring 6m wide x 3 m high and is located adjacent to No 390 Church Road. The second advert (which I shall refer to as Advert B) adjoins Advert A and comprises a 96 sheet paper and paste display panel measuring 12m wide x 3m high. Both adverts appear

to have been granted in 1996¹ although I note that was in respect of 2 x 48 sheet non-illuminated panels. It is not clear from the evidence before me as to how one of the 48 sheet panels changed to a 96 sheet panel although the appellant advises it has been in place in that form since May 2006 with dated photographs to confirm that. There is also no evidence before me that the Council has sought to take any discontinuance action since that time.

4. The Council is concerned that advertising material should not proliferate and that given the site is on the border with a residential area, it would appear visually intrusive to the amenities of the surrounding area and nearby residential properties. It is not considered that the existence of current signage justifies part of it being illuminated and the Council is further concerned that allowing an illuminated sign in such an area would set an undesirable precedent.
5. Although I note the relative proximity of residential properties, the site adjoins the busy A236 which at the time of my site visit, was heavily trafficked. Apart from the business park to the east, there is also a petrol filling station a short distance to the north together with its attendant advertising. Additionally, directly in front of the hoardings is an off-set 4 way junction which has a multiplicity of traffic and pedestrian lighting columns surrounding the junction itself. The character of the immediate area therefore, of which the current hoardings form part, is busy with a variety of street furniture, much of which is lit.
6. I also note that the maximum level of luminance of the proposed sign would be 300cd/m² at night which is in accordance with the recommended levels by the Institution of Lighting Professionals for an area such as this.
7. In terms of impact upon visual amenities of nearby residents, the signs are only apparent when travelling south on the A236 because of the way they are aligned. Impact would be negligible for the occupiers of the adjacent property No 390 Church Road because the existing panel is partially attached to the northern flank wall of that property which has no windows in it. Opposite the site are further residential properties but they are side on to the road and the width of the road itself is three carriageway widths at this point. Although the end property in Palestine Grove to the north west of the site, would face the illuminated hoarding, there is a significant degree of separation as well as the road junction in between, and the sign would be viewed through the multiple traffic and pedestrian lights.
8. Having regard to the above factors, and given the current extent of advertisement material on the site, I consider that the illumination of one third of that would only have a limited impact on visual amenity.
9. The appellant also proposes to remove the existing Advert B as part of the proposal. The appellant advises that this was suggested to the Council at the time of the application but I note it is not referred to in the officer report. Notwithstanding, the appellant has made it clear that it forms part of the current appeal process. In that respect, there is clearly a significant gain to be made by the removal of two thirds of existing advertising material at the site and I consider that is an additional factor which weighs in favour of the proposal from a visual amenity point of view.

¹ Application reference 95/P1154

10. The Council has raised no objections with regard to Highway Safety and I note that view was shared by the Highway Authority. I see no reason to take a different view. However given the presence of many traffic signs it is important that the illuminated display should be static in order that motorists would not be distracted. I note that the appellant has confirmed that would be the case.
11. Although the Council is concerned about a precedent being set in other areas, such considerations would depend upon the circumstances of the cases concerned and I have reached my findings solely on the particular site circumstances of this case.
12. Finally, under the powers of the Advertisement Regulations, control of adverts can only be exercised in the interests of amenity and public safety. The Council has referred to various policies from its Development Plan in support of its concerns regarding the proposed sign and although I have had regard to them as a material factor, they have not been decisive given the powers of the Advertisement Regulations I have referred to. However, I also note that given my findings in respect of visual amenity, there would be no conflict with the policies referred to.
13. In addition to the standard advertisement conditions, a condition requiring the removal of the existing 96 sheet panel is necessary from a visual amenity point of view. A condition limiting the level of luminance and also ensuring that the display remains static, is also necessary in the interests of highway safety and visual amenity.
14. Accordingly, subject to the conditions referred to, the appeal should be allowed.

Kim Bennett

INSPECTOR