
Appeal Decision

Site visit made on 20 June 2017

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd July 2017

Appeal Ref: APP/F5540/Z/17/3172980

27-29 Great West Road, Brentford, London TW8 9AX

- 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 LaSalle Investment Management o.b.o Santander (CF Trustees) Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/AO/AD31, dated 7 December 2016, was refused by notice dated 28 February 2017.
 - The advertisement proposed is the installation of a commercial advertising structure comprising LED advertising panels and a logo box supported by a monopole.
-

Decision

1. The appeal is allowed and express consent is granted for the installation of a commercial advertising structure comprising LED advertising panels and a logo box supported by a monopole, 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 advertisements shall not display any moving or apparently moving images and any changes in the advertisements displayed shall be instantaneous.
 - 2) The advertisements displayed shall not change more frequently than once every 10 seconds.
 - 3) The intensity of the illumination of the advertisements shall not exceed 600cd/m² during the day and 300cd/m² during hours of darkness.

Preliminary matters

2. The parties have drawn attention to Development Plan policies, the National Planning Policy Framework and Planning Practice Guidance which they consider are pertinent to this appeal. In particular, it is noted that Policy CC5 of the London Borough of Hounslow Local Plan 2015 specifies that all advertisements must respect their context with suitable regard to the consideration of amenity. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations regarding advertisements.

Main issue

3. The Regulations stipulate that control may only be exercised in the interests of amenity and public safety. As the Council has not raised any concerns in respect of public safety, the main issue in this appeal is the effect of the proposed advertisement on visual amenity.

Reasons

4. The appeal site is situated to the south of the westbound A4 Great West Road and an elevated section of the M4. No 27 Great West Road is a large modern office building set behind a landscaped car parking area. The proposed advertisement would be positioned within this landscaped area, close to the northern boundary of the site.
5. The immediate surrounding area on both sides of the A4/M4 is of a similar commercial character. However, on the opposite side of the A4/M4, further to the west, there is the southern tip of Gunnersbury Park. The park is listed Grade II* within the Register of Historic Parks and Gardens and lies with the Gunnersbury Park Conservation Area. West Lodge, sited close to the southern entrance to the park, is also Grade II listed.
6. The advertisement history of the site is relevant to the determination of the appeal because there are two schemes that have extant express consent. The first expires in December 2017¹ and the second in July 2018². The latter was a variation of the first scheme and it is understood that it was implemented but subsequently removed in 2016. Nevertheless, it remains a valid fallback position and one that the current proposal should be compared against.
7. The location of the supporting structure would be the same as the fallback scheme. Although it would be marginally lower in height, the size and position of the two advertising panels would broadly be the same. They would be 7.5m high and 5m wide, commencing 11m above ground level. The logo box beneath each panel would be of a similar size but positioned 0.8m higher.
8. The Council's reason for refusal does not relate to the advertisement displays. It focusses instead on the design of the supporting structure. The Council is of the view that it is out of context with the surrounding area. It considers the structure to be over-elaborate in its context, with its random and irregular form being contrary to the largely simple architectural grain of the immediate area, characterised by straight lines and a regular form.
9. There would be a clear juxtaposition between the design of the proposed structure and the character of the surrounding area. However, this forms a basis of the design concept with the appellant emphasising the ethereal quality of the metal ribbons that would flow around the structure.
10. The fallback scheme includes a wide spiralling outer metal framework which exhibits a similar distinct contrast with the straight lines and regular form of the surrounding area. Consequently, the proposal does not represent a departure from a previously accepted design principle. Moreover, as the proposed scheme would have a slimmer profile and a lightweight mesh

¹ Appeal Ref: APP/F5540/H/12/2178310.

² Council Ref: 00505/AO/AD30.

framework instead of a thick outer band, it would have a reduced physical presence and visual impact.

11. The appellant's suggested conditions would also provide some benefits over the fallback scheme. It would reduce the maximum luminance level during hours of darkness from 600cd/m² to 300cd/m² and it would control, by condition, the frequency that the displayed advertisements could change.
12. Given the separation distance and the fact it would be viewed in the context of the commercial character of the area and the intervening elevated motorway, the proposal would not be harmful to the setting of the nearby designated heritage assets.
13. It is noted the Council considers the present absence of such an advertisement on the site has significantly contributed to a de-cluttering of the area. However, this perceived benefit is undermined by the valid fallback position. Furthermore, in line with the previous decisions, its proximity to another digital advertisement roughly 80m to the east of the site is not considered to result in visual clutter or a proliferation of harmful advertising.

Other matters

14. The Council has provided a copy of an enforcement appeal decision³. As it relates to an advertisement in another part of the borough, its findings are not directly applicable to the appeal proposal which has been considered on its own merits.

Conclusion

15. For the reasons given above and having regard to all other matters raised, it is concluded that the proposed advertisement would offer some benefits over the fallback position. It would not have an unacceptably harmful effect on visual amenity and it would not conflict with relevant policies and guidance. The appeal is therefore allowed.

Conditions

16. In addition to the five standard conditions set out in the Regulations, the parties have put forward a number of conditions to control the brightness and the display of the advertisements. Such controls are necessary in the interests of amenity and public safety. These conditions are therefore duly imposed with minor editing for clarity and conciseness. The appellant's higher 600cd/m² maximum luminance level during the day is adopted because the Council's suggested 300cd/m² was not set out in the consultation responses from Transport for London or Highways England.
17. The Council's three further suggested conditions are considered to be unnecessary. The condition in relation to the obstruction of the highway during the installation of the proposal is unnecessary because it is covered by other legislation. The condition in relation to the checking of the luminance levels is unnecessary because adherence to the permitted levels will already be controlled by one of the imposed conditions. The condition specifying that the advertisement shall not be positioned closer to the M4 than the consented

³ Appeal Ref: APP/F5540/C/12/2180002

scheme is unnecessary because the location of the proposal is clearly set out in the plans which form part of the approved scheme.

C J Ford

APPOINTED PERSON