

Appeal Decision

Site visit made on 6 June 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/Q5300/Z/17/3172722

397 Green Lanes, Southgate N13 4JG

- 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 Richard Page (Insite Poster Properties Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05735/ADV, dated 5 December 2016, was refused by notice dated 3 February 2017.
 - The advertisement proposed is replacement of the existing illuminated 'More Square' advertising display with an illuminated digital 'P250' LED display.
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Decision

1. The appeal is allowed and express consent is granted for replacement of the existing illuminated 'More Square' advertising display with an illuminated digital 'P250' LED display at 397 Green Lanes, Southgate N13 4JG, as applied for. The consent is granted for a period of five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions included in the Schedule at Annex A.

Main Issue

2. The main issue is the effect of the advertisement on the amenity of the surrounding area and, in particular, on the amenity of the occupiers of Nos 399a and 399b Green Lanes.

Reasons

3. Green Lanes is a busy main road running through the Palmers Green District Centre. The predominant character of the centre is two and three storey parades with retail and commercial uses at ground floor and mainly residential above. The appeal building, which is three storeys and reflects this mix of uses, is located on the corner of the junction of Green Lanes with Devonshire Road.
 4. The main form of advertising in this part of the centre is fascia signs above the ground floor units. There is, however, an existing three metre square poster panel advertisement on the side elevation of the appeal building. The proposal is to replace this with an advertisement of the same width but 1.5 metres greater in height. While the top of the advertisement would remain in the same position, the submitted plans show the panel extended downwards to just above the top of the fascia surround at ground floor level.
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5. The side elevation of the three storey property is of substantial scale and, consequently, the existing advertisement is of proportionate size to this and reflects the commercial nature of the centre. While the proposal would add further height to the advertisement, this would not be sufficient to harmfully change this relationship or to give the extended advertisement an otherwise incongruous appearance in this commercial setting.
6. The proposed advertisement would be three times the depth of the existing one and would, therefore, protrude from the wall to a significantly greater degree than at present. However, the various architectural features and windows of this side elevation provide some existing relief to the otherwise flat surface. Within this context and given its relative size to the side of the host building, the greater depth would not of itself lead to unacceptable harm.
7. The other principal change is from a static backlit display at present to an internally illuminated digital advert, displaying a series of static images on rotation. The change in size and particularly the rotating and internally illuminated images, will give the advertisement a greater prominence from surrounding views. While this would remain in keeping with the nature of the centre, the Council's principal concern in this regard is the effect on two flats, Nos 399a and 399b, in the upper storeys of the building opposite.
8. The two vertically-aligned windows of these flats on the side of the property are set to one side of the advertisement's position, rather than being directly opposite it. Furthermore, the width of the road junction provides a relatively generous gap between the two properties. I note also that the appellant proposes to further control the night time illumination beyond the levels recommended in professional guidance and proposed by the Council. At 150cd/m² this would be half the suggested level of illumination by these sources. This would also be below the illumination levels of the existing static advertisement.
9. Taking these matters as a whole, I consider that they will provide sufficient mitigation to any potentially harmful effects that could occur to the amenity of the neighbouring occupiers. There are two further windows on the corner of No 399, but these do not face the advertisement and would be less affected than the windows on the side elevation.
10. Accordingly, for these reasons, I conclude that the proposal would not have a harmful effect on the amenity of the surrounding area or on the amenity of the occupiers of Nos 399a and 399b Green Lanes. I have taken into account Policies 7.4 and 7.6 of the London Plan, Policy 30 of the Council's Core Strategy, and Policies DMD37 and DMD41 of its Development Management Document, which concern the effect of development on local character, design quality and advertisements and which, therefore, are material in this case. Given that I have concluded that the proposals would not harm amenity, the proposal does not conflict with these policies. Consequently, the appeal should succeed.

Conditions

11. As an advertisement is involved the consent should be subject to the five standard conditions included in the 2007 Regulations. The application is for consent for a period of ten years, although the appellant subsequently proposed a five year consent. I note also that the Council proposes six conditions related

to concerns about highway safety. The first condition concerns illumination levels, but has been superseded by the appellant's proposal for lower night time levels, referred to above. The final two suggested conditions, concerning maintenance of the advertisement and ensuring no hindrance to public safety matters, replicate controls included in the standard conditions in the 2007 Regulations. As such, they are unnecessary.

12. With regard to the remaining three conditions, it is not clear from the appeal submissions that the appellant was aware that these had been suggested by the Council. Consequently, the appellant was given the opportunity to comment on them and I have had full regard to the response and to the Council's further comments. The appellant accepts that the third condition, prescribing the type of moving advertisement, is necessary in the interests of highway safety. I agree and have imposed this condition given its direct relevance to the type of advertisement proposed here.
13. With regard to the transition time between images, I note that the Council now accepts the appellant's original proposal for a minimum of ten seconds between changes. Given this unanimity between the parties, I see no reason not to accept this transition time as applied for and have imposed the relevant condition accordingly.
14. Finally, the Council suggests that the consent should be limited to one year and subject to evaluation of any changes to highway safety resulting from the advertisement. This will determine whether the consent can be extended beyond this period. Express consent is usually granted for a period of five years¹, although this period can be shortened or extended. In this case, with the extent of controls provided by the other conditions and the lack of any specific evidence to demonstrate harm or potential harm from the particular proposal in this location, I am not convinced that the limits proposed to the usual consent period are necessary or reasonable. Accordingly, for this reason, I have not imposed the suggested condition. The conditions that I have imposed address any other matters in the appellant's suggested conditions.

Conclusion

15. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR

¹ Planning Practice Guidance, 18b-036-20140306.

Annex A

Schedule – conditions

- 1) The maximum luminance for the advertisement shall not exceed 600cd/m² during the day and 150cd/m² during the hours of darkness.
- 2) The displays on all panels shall be static and two dimensional only with no moving or apparently moving images, devices, wording or emblems; and shall not depict any images that resemble road signs or traffic signals unless otherwise agreed in writing with the local planning authority. The changeover shall be instantaneous.
- 3) The minimum time between successive displayed images shall be 10 seconds.