
Appeal Decision

Site visit made on 27 June 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/F5540/17/3167440

Churchill's Pharmacy, 202 Chiswick High Road, Chiswick, London W4 1PD

- 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 Jai Parmar against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00248/202/AD1, dated 20 September 2016, was refused by notice dated 28 November 2016.
 - The advertisement is described as "1 x internally illuminated hanging sign at Churchill's Pharmacy, 202 Chiswick High Road, due to outdated and poor condition of the old sign."
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. There are two different Council referencing systems for this appeal. For the avoidance of doubt I have used the one given on the decision notice.
3. At the time of my site visit the sign was already in place but was not illuminated. Accordingly, I have determined the appeal on the basis that it seeks to retain the existing signage albeit illuminated.

Main Issue

4. The main issue is the effect of the advertisement on the visual amenity of the area, including the Chiswick High Road Conservation Area.

Reasons

5. The appeal site is located within the Chiswick High Road Conservation Area (CHRCA) which extends along the majority of Chiswick High Road and also incorporates Turnham Green Terrace. Consequently I am required to pay special attention to the desirability of preserving or enhancing its character and appearance.
6. The CHRCA is characterised by a mixture of two and three, occasionally four, storey buildings fronting directly onto the wide pavement on both sides of the road. The buildings are largely brick built with stucco dressings or stone detailing. They have a strong parapet line and regular fenestration. Traditional shop frontages and canopies are key features along the road. The majority of buildings date from the late 19th century, although there are pockets of earlier development still visible. At ground floor level, the uses are predominantly

retail and commercial, including restaurants/bars and coffee shops. Chiswick High Road is flanked by tall mature trees at regular intervals. There are a variety of advertisements in this area, some of which are projecting and others are not, while a number are illuminated. However, they tend to be found at ground floor fascia level or below, leaving the upper floors relatively free from such clutter.

7. Churchill's Pharmacy lies within part of the primary shopping frontage in Chiswick town centre. It occupies a central position within a terraced block of retail and commercial uses.
8. The appeal building is three storeys in height. Its frontage, in common with its adjoining neighbours, has retained its period detailing to the first and second floors and as such makes a significant contribution to the overall character and appearance of the CHRCA.
9. At the ground floor level the shop frontage colour scheme is bright green and white, and incorporates an internally illuminated static fascia sign in white plastic with green lettering. This is accompanied by a small illuminated static hanging sign which has been mounted on the western edge of the building just below the fascia sign.
10. The advertisement which is the subject of this appeal is the internally illuminated cross-shaped green plastic hanging sign which has been mounted at the first floor level on the eastern side above the existing shop front fascia. It is approximately 4 metres from the ground to the base of the sign. The stated dimensions of the sign are 0.84 metres (high), 1.20 metres (wide) and 0.15 metres (deep). The illuminance level is described as 700 cd/m². The overall cross would be lit intermittently in red and white with specific text in red, blue and green that would move across the middle of the sign.
11. From the southern (opposite) side of the road, the sign is not particularly noticeable because the views are partially obscured by the mature deciduous trees set within the pavement and various items of street furniture.
12. However, the sign is visible from both the western and eastern approaches along the northern side of the road. From this side of the road, due to its size and position, the sign appears as an unduly prominent and incongruous feature within the street scene. The position is out of character with signage in the locality which is generally at the ground floor level.
13. Given the large number of LED bulbs within the sign, when switched on, it is likely to be even more prominent in the evenings and night time. I note that the appellant would be prepared to make the lights static and reduce the luminance levels. This would not be sufficient to overcome the harm to visual amenity arising from the size and position of the sign.
14. Even taking into account the commercial context, the sign is highly visible in views from the western and eastern approaches of the northern side of Chiswick High Road. The sign would be out of keeping with the character of the existing advertising in the locality to the detriment of the CHRCA, it has an appreciable impact on the building and consequently harmful to the visual amenity of the area.
15. The appellant has made reference to other signage, both above fascia level and above fascia level with illumination. I did view these examples on my site visit;

however, with the exception of the Pyramid Pharmacy signage, I did not find them to be sufficiently similar to the appeal signage. I also note from the planning history of these examples that has been provided to me that the local policy context has changed and in addition the CHRCA has been designated since these other signs were erected. With regard to the Pyramid Pharmacy signage, I note that this is smaller in size. However, it would appear from information provided by the Council that that sign may not benefit from consent. Accordingly it does not lead me to a different view.

16. The appellant has suggested that the appeal sign has benefits beyond corporate branding, in "identifying a place to seek help in the wake of an accident or to assist in locating remedies for general health issues." I have no evidence before me to substantiate this statement, although it is a generally recognised logo, and why this would be the case for this pharmacy over and above the other pharmacies along Chiswick High Road. The pharmacy already has an illuminated static hanging sign which projects out from the fascia which assists in locating the premises.
17. It is stated by the appellant the appeal sign was erected in the same position as 2 previous hanging signs. However, I have no evidence before me to indicate whether they were lawful, indeed the Council state that they have no planning history for these previous signs. Consequently I can give this matter limited weight in my determination of this appeal.
18. Whilst the appellant indicates that positive comments about the appeal sign had been received, I have no evidence before me to support this statement.
19. In their reasons for refusal, the Council have cited Policies CC1, CC2, CC4 and CC5 of the Hounslow Local Plan (HLP), adopted 2015. However, the power under the 2007 Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. I have taken into account these policies which seek to protect amenity and preserve and enhance the CHRCA and so are material in this case. Given my concerns it conflicts with these policies, insofar as they are a material consideration, and paragraph 67 of the National Planning Policy Framework.

Conclusion

20. For the reasons given above, I conclude that the appeal sign has a detrimental effect on the visual amenity of the area, including failing to preserve the character and appearance of the Chiswick High Road Conservation Area. The appeal is therefore dismissed.

Rachael A Bust

INSPECTOR