
Appeal Decision

Site visit made on 11 July 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 04 August 2017

Appeal Ref: APP/X5990/H/16/3165956

**Land adjacent to Travis Perkins Warehouse and the Grand Union Canal,
Bishops Bridge Road, Paddington, London W2 6NA**

- 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 Primesight against the decision of City of Westminster Council.
 - The application Ref 16/08366/ADV, dated 1 September 2016, was refused by notice dated 31 October 2016.
 - The advertisement proposed is a 48 sheet digital panel on a small triangular piece of redundant 'landlocked' land measuring approximately 12m x 6m.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's second reason for refusal relates to concerns over the ecological impact of the proposed sign. However, the control of advertisements is to be exercised only in the interests of amenity and public safety. Paragraph 079 of the Planning Practice Guidance (PPG) confirms that factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest. Amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement.
3. It is unclear how the Council's concerns over the effect of the proposal on ecology would relate to these definitions of amenity. For that reason, I have not considered this matter further in the context of this decision. The main issues in this case are therefore the effect of the proposal on public safety, and the effect of the proposal on the amenity of the surrounding area.

Reasons

Public safety

4. The development would comprise a new freestanding sign whose display screen would measure approximately 3x6m, and 0.7m deep. It would be mounted on a monopole on land adjacent to an existing warehouse building whose gable end faces the Grand Union Canal. In addition, a living wall would be installed at a lower level on the gable wall. The screen would incorporate 48 LED illuminated panels, and would show sequential static poster images which would change every 10 seconds.

5. The proposed sign would be located above the parapet of the road bridge. It would be set at an angle so as to be visible to pedestrians and road users approaching from the south-west on the Bishops Bridge Road. On my visit, I observed two road signs in close proximity to the appeal site, one indicating that three lanes will turn to the right ahead, and one indicating the end of the no U-turn restriction.
6. There is also a bus stop adjacent to the appeal site. The carriageway approaching the bus stop comprises two lanes, but splits into three lanes as the road approaches the junction. Furthermore, there is a zebra crossing to the north at a short distance beyond the location of the sign. It is therefore clear that road conditions become increasingly complex as one travels north-east across the bridge.
7. The speed limit on this stretch of road is 30mph. The appellant calculates that a driver travelling at the speed limit would have approximately 4 seconds between the location of the sign and the zebra crossing, over a distance of around 60m, to adjust. The new sign would appear close to a point where drivers would have to make a decision about which lane to take, whilst also being aware of buses stopping and pulling away, and taking into account whether pedestrians were using the crossing. In view of these conditions, I consider that this would be insufficient time for drivers to refocus on the potential hazards ahead after viewing the proposed sign.
8. The isolated nature of the proposed advertisement, its size, and its orientation, drawing the eye away from the road ahead, would make it a particularly commanding visual feature that would attract the attention of road users. The changeover of images would be particularly likely to catch the eye of passing motorists. In such conditions, it appears to me that distractions should be minimised as far as possible. I consider that the new advertising display would introduce a prominent distraction in a critical location, which could well lead to an increased risk of accidents. It would thus be unacceptably detrimental to public safety.
9. I have taken into account Policy TRANS 2 of the City of Westminster Unitary Development Plan (UDP, January 2007), whose aim is to ensure road safety, and so is material in this case. As I have concluded that the proposal would harm public safety, the proposal would conflict with this policy.
10. Paragraph 068 of the PPG states that it may be possible for the hazardous traffic features of proposed displays to be removed. I accept that conditions could be imposed to lessen the impact of the sign, for example, by restricting the frequency of the image changeovers. However, this would not overcome my concerns about the general acceptability of the proposal in this specific location. The appellant contends that there are many digital displays of this kind in inner London in comparable positions. Be that as it may, I am not familiar with the circumstances in which these examples were found to be acceptable, and in any event, I am bound to consider each case on its individual merits.
11. I have been referred to the advice set out in the 'Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice' (March 2013). Whilst the proposed sign would comply with much of the guidance, I am not convinced that the road conditions I have identified above have been satisfactorily considered. However, I agree that those using the access roads

leading to Paddington Station and Sheldon Square would not be adversely affected by the presence of the sign. Similarly, the junction with traffic lights 100m to the south of the appeal site would not be affected.

Amenity

12. The new sign would be visible from the tow path on the south-west bank of the Grand Union Canal. On my visit, I saw that this area is well used by cyclists and pedestrians, and it also provides a pleasant backdrop for the outdoor seating areas of nearby restaurants. The north-east bank of the canal is lined by a series of buildings whose gable ends comprise a mixture of brick, timber and corrugated metal. They evoke the industrial history of the canal, and form a tranquil, unobtrusive setting to the waterside area.
13. In contrast to the surrounding areas, which are dominated by busy roads and large modern buildings, this stretch of the tow path is quiet and secluded. The warehouse building where the sign would be located is more modern in appearance, and is finished in corrugated metal. However, this building appeared to be well constructed and in reasonable repair, and I found no basis to suppose that it is temporary or semi-temporary, as suggested by the appellant. Moreover, it shares the low gabled form of the neighbouring buildings, and keeps in with the rhythm and sequence of the gables. Notwithstanding some variations in design, the warehouse buildings share a simple, utilitarian character. I agree with the Council's assessment that they make a positive and valuable contribution to the amenity of the tow path area.
14. The warehouse buildings appear to be free of advertisements or any obvious sources of illumination. The proposed sign would thus contrast markedly with its context, introducing a jarring visual element that would detract from the understated appearance of the warehouses and their contribution to the amenity of the area. The sign would step forward of the established building line, and would be particularly prominent due to its positioning at 45 degrees to the warehouse. Drawing PY2658-010 Rev C shows an indicative view of the proposed sign from the tow path level. From this vantage point, it would appear bulky, particularly with the inclusion of the hood, and would appear to exceed the ridge height of the adjacent warehouse. It would thus fail to be subordinate to the existing building.
15. At present, the lower section of the warehouse gable is faced with timber trellising which supports some informal planting. The proposed living wall would appear to be much more contrived in terms of its design, and would therefore appear discordant with its surroundings.
16. In terms of the effect on the amenity on Bishops Bridge Road, I agree that the visual character at this level is informed primarily by the road network and the large modern buildings in the surroundings. However, I saw that there are no other commercial signs in the vicinity. There is nothing comparable to the proposed advertisement, which would accordingly read as a discordant and incongruous feature in the street scene. The appellant argues that the sign would add colour and interest to the street scene. However, in view of my findings with respect to public safety above, I do not consider that this would be a desirable outcome.
17. I accept that the levels of illumination would be within accepted guidelines, and would be automatically adjusted. However, drawing the above factors

together, I conclude that the proposed advertisement would be unacceptably harmful to amenity. I have taken into account UDP Policy DES 8, which sets out requirements for signs and advertisements. As I have found harm to amenity, I also conclude that the proposal would therefore conflict with this policy.

18. The appellant has demonstrated that the sign would not be visible from the south-east of Bishops Bridge Road, close to the entrance to Paddington Station. From my observations on site, I am satisfied that that would be the case. I am similarly satisfied that there would be no meaningful impact on the setting of the Bayswater Conservation Area, the Maida Vale Conservation Area, due to the separation distances between them and the appeal site.

Conclusion

19. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR