



Appeal Decision

Site visit made on 31 October 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 29 November 2017

Appeal Ref: APP/Z5630/Z/17/3180372

Advertising Right 4670, Flank Wall, 12 Coombe Road, New Malden KT3 4QE

- 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 against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 17/14509, dated 21 April 2014, was refused by notice dated 7 July 2017.
 - The advertisement proposed is the replacement of an existing illuminated 48-sheet advertising display with an illuminated 48-sheet digital display.
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Decision

1. The appeal is allowed and express consent is granted for the display of an illuminated 48-sheet digital display on the flank wall of 12 Coombe Road, New Malden KT3 4QE 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 condition:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candela/sq m.

Main Issue

2. The main issue is the effect of the proposed sign on the visual amenity of the surrounding area.

Reasons

3. The appeal site comprises the north facing flank wall of No 12 Coombe Road. This property forms part of a two storey terraced block comprising Nos 8 – 12 which also has accommodation space within the mansard roof. The property is positioned forward of an adjacent public house located to the north with a railway bridge located to the south. The surrounding area is predominantly commercial in nature area comprising of mainly two storey properties having shops and commercial uses on the ground floor with residential above. As such there are a variety of illuminated fascia signs on this vibrant and busy street.
4. The proposed site is currently occupied by an existing externally illuminated 48 sheet static advertisement hoarding which the appellant indicates is lawful, benefiting from 'deemed consent' by virtue of Schedule 3, Part 1, Class 13 of The Town and Country Planning (Control of Advertisements) (England)

Regulations 2007, having been in situ for more than 10 years and having been used continually for the display of advertisements without express consent.

5. I am aware the existing advertisement hoarding was refused consent in 2000 and 2006 (Refs 00/04078/ADV and 06/14934/ADV) and both applications were dismissed on appeal. The appellant suggests that records indicate that the existing hoarding has been in operation since at least 2003 and so it is a fairly longstanding part of the local environment. I have no evidence to suggest that the appellant's view that the existing hoarding now benefits from deemed consent may be incorrect. Therefore I have attached considerable weight to the fact that the existing hoarding is lawfully there and, as such, sets the visual context for the consideration of the appeal proposal.
6. The proposed advertisement would be approximately the same size and position of the existing with dimensions of approximately 6m wide and 3m high and would incorporate internal digital LED illumination of static two dimensional images. The internal illumination of the display would be limited to 300 candella/sqm, which the appellant indicates is half of that of the existing displays operational limit.
7. Although the proposed display would be prominent, its size and position would be the same as the existing hoarding. Therefore there would be no material change in the appearance of the street scene as a consequence of the proposal. The difference would be the nature of the illumination of the static advertisement. However, I have taken into account the fact that the intensity of illumination would be less than the existing display and the appellant's evidence that the display would replicate ambient light levels during daylight hours. These factors lead me to conclude that the proposed advertisement would not appear as being any more prominent or dominant than the existing display.
8. I have some sympathy with the Council's concerns regarding the visual impact of the hoarding. However, given the deemed consent of the existing advertisement, there would be no material difference between the existing and proposed displays. Given the long period that the site has been in advertising use and that it is an established part of the street scene, its continued use with a hoarding of the same size and position but with modernised illumination would have a neutral effect on the character and appearance of the host building, the street scene and the surrounding area.
9. Taking the above factors into consideration, I conclude that the proposed sign would not cause demonstrable harm to the visual amenity of the surrounding area. It would therefore not conflict Policy DM 10 of the Royal Borough of Kingston upon Thames, Local Development Framework, Core Strategy (2012). This policy, amongst other things, requires that proposals should respect the character and local distinctiveness of the street or area.

Conditions

10. The Council has suggested that six conditions be imposed which I have considered against the advice contained in the section on 'What conditions can be imposed on an express consent' in the Government's Planning Practice Guidance. Five of the suggested conditions reflect the five standard conditions set out in Schedule 2 of the Regulations and as such it is not necessary for these to be repeated in this decision. A condition is necessary to restrict the

illumination intensity of the advertisement in order to protect the character and appearance of the surrounding area. Although the appellant has suggested a number of conditions, in the absence of any other evidence from the Council, I do not consider that any other additional non-standard conditions are necessary.

Conclusion

11. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR