
Appeal Decisions

Site visit made on 7 March 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2018

Appeal A Ref: APP/F5540/H/17/3180712

Land adjacent to Chiswick Roundabout, Great West Road, Chiswick W4 5QD

- 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 Kim Gottlieb, Starbones Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/EY/AD23, dated 27 March 2017, was refused by notice dated 30 May 2017.
 - The advertisement proposed is temporary erection and display (for a 3 year period) of a 19 metre high pole structure with 2 LED advertisement screens measuring 16 metres wide by 4 metres high.
-

Appeal B Ref: APP/F5540/H/17/3180718

Land adjacent to Chiswick Roundabout, Great West Road, Chiswick W4 5QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kim Gottlieb, Starbones Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/EY/P19, dated 27 March 2017, was refused by notice dated 30 May 2017.
 - The advertisement proposed is temporary erection and display (for a 3 year period) of a 19 metre high pole structure with 2 LED advertisement screens measuring 16 metres wide by 4 metres high.
-

Decisions

1. Appeal A is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for three 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 intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/sqm between sunset and sunrise, and no greater than 600 cd/sqm between sunrise and sunset.
 - 2) The minimum display time for each advertisement shall be 10 seconds.
 - 3) The interval between the display of each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition

- methods) between each advertisement. The display should also include a mechanism to freeze the image in the event of malfunction.
- 4) Prior to the installation of the advertisements hereby consented a Construction Management Plan shall be submitted for the approval in writing of the local planning authority. The plan shall detail controls, approvals and operations relating to the use/operation of cranes, piling rigs and scaffold erection/dismantling, which could be considered a risk to the M4 Network. The plan shall also include details of the dimension and jib lengths of cranes used to install the structure and sign to ensure that there will be no overhang (over-sailing) on to the M4 at any time, or other works that could affect the M4. The installation of the advertisements shall be undertaken in accordance with the approved Construction Management Plan.
 - 5) The advertisements hereby granted consent shall be removed from the site no later than three years from the date of this consent.
2. Appeal B is allowed and planning permission is granted for temporary erection (for a 3 year period) of a 19 metre high pole structure for the display of advertisement screens at Land adjacent to Chiswick Roundabout, Great West Road, Chiswick W4 5QD in accordance with the terms of the application, Ref 00505/EY/P19, dated 27 March 2017, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The structure hereby permitted shall be removed from the site and the land restored to its former condition no later than three years from the date of this permission.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers: 1668-PP-1, 1668-PP-2, 1668-PP-3, 1668-PP-4, 1668-PP-5 and 1668-PP-6.
 - 4) Prior to the installation of the structure hereby permitted a Construction Management Plan shall be submitted for the approval in writing of the local planning authority. The plan shall detail controls, approvals and operations relating to the use/operation of cranes, piling rigs and scaffold erection/dismantling, which could be considered a risk to the M4 Network. The plan shall also include details of the dimension and jib lengths of cranes used to install the structure and sign to ensure that there will be no overhang (over-sailing) on to the M4 at any time or other works that could affect the M4. The installation of the structure shall be undertaken in accordance with the approved Construction Management Plan.

Procedural Matters

3. Although the appellant initially submitted a single application the Council determined it as two separate applications, one for the proposed advertisement screens (Appeal A) and the other for the proposed supporting structure to which the screens would be attached (Appeal B) and accordingly issued two separate decision notices.

4. For the purposes of my Decision I have amended the description of the proposed development in respect of Appeal B to more accurately and precisely reflect the proposal.

Main Issue

5. The main issue is the effect of the proposed advertisements and associated monopole structure on amenity, including the character and appearance of the immediate and wider area.

Reasons

6. The appeal site is an irregularly-shaped piece of land immediately to the north-west of the Chiswick Roundabout. Along with facing the roundabout the appeal site also has frontages onto the adjacent A4 and the elevated M4 motorway (M4), which crosses the centre of the roundabout on a concrete viaduct. To the north-west the appeal site faces a large DIY superstore and its car park off Larch Drive. To the east is the A406 - North Circular Road, which has a number of commercial buildings along it.
7. At present the appeal site is vacant and hoarded off, but accommodates three digital advertisement displays addressing the adjacent road and the roundabout.
8. Consent is sought for two digital advertisement displays measuring 16m by 4m mounted about 12m above ground in a 'V' configuration on a monopole approximately 1.5m in diameter with an overall height of near 19m. Located towards the south-west part of the appeal site the displays would be aimed at the eastbound and westbound traffic travelling along the M4.
9. For both the digital advertisement displays and the monopole structure consent is sought for a temporary 3 year period. The appellant considers this would provide a suitable timeframe for planning permission¹ to be obtained for the comprehensive redevelopment of the appeal site, which has recently been refused by the Council and is the subject of a planning appeal, whilst also allowing the site to be put into effective use in the interim period.
10. The Advertisement Regulations² require that advertisements are considered having regard to amenity and public safety.
11. The character and appearance of the immediate area is predominantly commercial and is largely dominated by the physical presence of the elevated stretch of urban motorway and the traffic-dominated character of the roundabout and adjoining major roads, along with various large-scale commercial buildings nearby. Most notably, this creates a large-scale, busy and dynamic environment.
12. From the roundabout, the advertisement structure would be seen against the rather massive viaduct and the outline of larger buildings nearby, which would absorb the effect of its height and scale. At closer range, the main appreciation of the proposal would be of its monopole supporting structure which, despite its dark grey appearance, would be relatively slender and partly obscured by the existing hoardings and advertisement displays.

¹ 00505/EY/P18

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007

13. Therefore, in this particular context the proposed monopole structure, given its simple and slender form with some architectural detailing, or the changing displays on the advertisements, would have no appreciable effect on the character and appearance of the immediate or surrounding area or appear particularly obtrusive or dominant.
14. In particular, the proposed advertisement displays would form part of a series of high level displays along this section of the M4, which include a tall torch-shaped structure along with another purpose built structure near to a car showroom to the west and a pair of double-sided lattice steel structures flanking the motorway to the east, in the centre of the roundabout. In this particular case the proposed digital displays would almost mirror similar displays atop a building on the opposite side of the M4 and would be near equidistant from the above-mentioned high level advertisements to the east and west.
15. Although, the appeal site would host a further two advertisement displays, these would be virtually back to back and consequently from most vantage points only one would be visible at any time.
16. Moreover, the proposed advertisement displays would be significantly higher than the existing ground-based units at the appeal site and therefore in distant views and when travelling along the M4 they would be mainly seen in isolation from the ground-based advertisement displays.
17. Having regard to the above, I do not consider the proposed advertisement displays would result in any significant proliferation of advertisements or visual clutter.
18. The Gunnersbury Park Conservation Area, which includes the Gunnersbury Cemetery and Gunnersbury Park, a Grade II* listed historic park and garden lies to the north of the appeal site. The conservation area is screened and separated from the appeal site by commercial development, in particular the DIY superstore. Parts of the proposed advertisement display would be visible from within the cemetery that makes up the southern corner of the conservation area and is designated Metropolitan Open Land. However, I concur with a previous Inspector in dealing with another high level advertisement ³ at the appeal site that: 'the setting of the conservation area is already defined by the presence of large commercial structures, including signs, and would not be greatly altered by the appeal proposal'.
19. The Wellesley Road Conservation Area, which is largely residential in character, lies to the south of the Chiswick roundabout which, along with significant mature planting at its centre and with the viaduct, forms a strong visual and physical barrier. These features along with a considerable separation distance would limit and absorb views of the proposed advertisement panels from within the conservation area. In addition, given the screening offered by trees and the viaduct structure, the proposal would not be significantly intrusive.
20. For the above reasons there would be no appreciable harm to the character or appearance of the two conservation areas, which would be preserved. I note that similar conclusions were reached on a number of previous appeals for advertisements on and around the appeal site.

³ APP/F5540/Z/15/3032680

21. I conclude that in respect of amenity the proposal would not adversely affect the character and appearance of the immediate and wider surrounding area. As such, I also find no conflict with the overall aims of Policy CC5 of the Hounslow Local Plan.
22. Accordingly, in my judgement the placement of the proposed advertisement displays would cumulatively have no negative impact on the appearance of the built environment and therefore would not be in conflict with paragraph 67 of The National Planning Policy Framework.
23. I am also mindful that previously consents have been granted for various digital displays at the appeal site which, despite being incorporated into buildings or standalone 'themed' advertisements, were also considered acceptable on the grounds of amenity.

Other Matters

24. In isolation and in the context of existing advertisement panels the proposed advertisements would be seen from nearby dwellings. However, in most cases these would be distant and indirect views, which would not give rise to any significant harm to residential amenity.
25. The West Chiswick and Gunnersbury Society (WGGS) have referred to a number of dismissed appeals relating to advertisement displays in the surrounding area. However, I have limited information in respect of these to make comparisons with the appeal proposals. Similarly, I have limited details in respect of a recently refused application for advertisements at the appeal site⁴. Therefore, I attach limited weight to these decisions. In any event, I have determined the appeal on the merits of the proposal.
26. I also note that no particular public safety issues have been identified in respect of the proposal. In particular, Highways England and Transport for London have raised no objections to the proposal, despite the positioning of the proposed advertisement displays close to the M4 and the local highway network.

Conditions

27. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
28. In respect of Appeal A, in addition to the five standard conditions set out in the Regulations, I am also attaching a further condition (1) to limit the illuminance in the interests of the amenity of the area. I am also including two further conditions (2) and (3) to avoid distraction in the interests of public safety. A further condition (4) is imposed in the interests of highway safety. Condition (5) is necessary to ensure that the advertisement is removed within 3 years of the date of this decision.
29. In respect of Appeal B, in addition to time limit condition (1) for the implementation of the planning permission, condition (2) is necessary to ensure that the structure is removed within 3 years of the date of this decision.

⁴ 00505/EY/AD22

30. A condition requiring that the development is carried out in accordance with the approved plans (3) is necessary for the avoidance of doubt and to ensure the satisfactory appearance of the development. A further condition (4) is imposed in the interests of highway safety.
31. In respect of both appeals the Council has also suggested a number of other conditions to safeguard impacts on the local highway network. I am satisfied that such concerns can be addressed under highways legislation and therefore such conditions are not necessary.
32. Some of the Council's suggested conditions require discharging by the local planning authority and Highways England. However, as the responsibility for discharging conditions lies with the local planning authority, the relevant conditions I have imposed reflect this.

Conclusion

33. Having taken full account of the representations made, I conclude that both appeals should be allowed.

M Aqbal

INSPECTOR