



Appeal Decision

Site visit made on 20 May 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/F5540/H/18/3216453

Advertising Right Adjacent to 80 High Street, Houslow TW3 1NH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Clear Channel UK Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00610/ADJ80/AD1, dated 20 September 2018 was approved on 16 November 2018 and consent was granted subject to conditions.
 - The advertisement consented is one 48-sheet digital advertisement display.
 - The conditions in dispute is No 6, which states that:
"The advertisements displayed on each panel shall not change more frequently than once in a 24-hour period, and this change shall be at a time of day when traffic flows are less than 50 percent of the maximum hourly peak flow on the adjoining highway."
 - The reasons given for the condition is:
"To control the display in the interests of public safety in accordance with the objectives of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007."
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Decision

1. The appeal is allowed and the advertisement consent Ref 00610/ADJ80/AD1 for one 48-sheet digital advertisement display at Advertising Right Adjacent to 80 High Street, Houslow, TW3 1NH, granted on 16 November 2018 by the Council of the London Borough of Hounslow is varied by deletion of condition 6 and its replacement with the following:

6) The advertisement display shall not change more frequently than once in a 24-hour period.

Preliminary Matters

2. In accordance with the National Planning Policy Framework (the Framework) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The Council have indicated that the advertisement would be an improvement in terms of the amenity of the area which limits the consideration of this particular appeal solely to its impact on public safety.
3. The Framework has been updated since the appeal application was approved. The revised Framework, published in February 2019, includes paragraph 132 which relates to the control of advertisements. I have had regard to the revised Framework in the determination of this appeal.

Main Issue

4. The main issue is whether the disputed condition is necessary and reasonable in respect of public safety, with particular regard to highway safety.

Reasons

5. The Planning Practice Guidance details that all advertisements, whether they require express consent or not, are subject to standard conditions. If the Council decides to impose additional conditions, these must be supported by specific and relevant planning reasons.
6. There are 5 standard conditions, which are set out in Schedule 2 of The Advertisements Regulations. These are included on the Council's decision. Additional conditions are also included regarding the operation of the digital display, which are in the interest of highway safety. The disputed condition limits the change of image on display to once in every 24-hour period. The appellant seeks an image change frequency of up to once every 10 seconds.
7. The existing advertisements are located on the junction of Laurence Road with High Street, Hanworth Road and School Road. At the junction, there are numerous sets of traffic signals and road signs, pedestrian crossings and features within the highway to limit or direct the vehicular movements in certain directions. The area is also a hive of activity. There are many shops and other town centre uses at ground floor level along High Street and Hanworth Road, and lots of pedestrians, cyclists and buses navigating the junctions in addition to other motorists.
8. Whilst all road junctions are used by cars and pedestrians, this particular junction is busy given its urban location and is complex due to the number of roads that cross at this point, even though the traffic is controlled by signals without any merges. The existing advertisements are highly visible but due to their static nature, do not demand attention from passers by for any longer than is necessary to comprehend what the signs are advertising.
9. Whilst the replacement digital display would be smaller overall and would be orientated so as to largely restrict its visibility to west and northbound drivers, the desired frequency of image change up to once every 10 seconds may be a distraction to drivers. I note that the advertisement would not be on the skyline and not directly in the foreground of the various signal heads. However, the advertisement would be easily within the field of vision of drivers and highway users waiting at the signals in School Road and in a westerly direction to High Street and Hanworth Road.
10. Whilst the appellant indicates that the advertisement would not interfere with the signals' visibility and effectiveness, I do not agree that this is the case. The cycle of signal changes varies, but can often leave drivers waiting for 20 to 30 seconds before reaching the 'go' phase. Drivers could become aware of the frequent rotation of image change and anticipate it as a distraction from sitting in queuing traffic. This could lead to lapses in concentration on the road and the potential for drivers to miss the signal change to 'go', leading to more sporadic driver behaviour.

11. My attention has been drawn to another appeal¹ in which a condition limiting the change of image to once every 60 seconds was removed and replaced with a condition allowing the frequency to increase to up to once every 10 seconds. Whilst there may be some similarities, I consider that the junction arrangement in this particular case is more complex and in a far more densely occupied urban area. Consequently, the number of other features and stimuli that drivers need to process at the junction is more demanding, and I consider that adding such a high frequency of image change would be more hazardous. The Inspector in that case may have decided that there was little evidence to show a link between frequency and harm to public safety, but from my own observations and analysis in this case, and in the absence of evidence to the contrary, I find that there is a reason for a precautionary approach in this location.
12. Whilst the Council's evidence on the potential highway safety effects is succinct, I have not been provided with any compelling evidence from the appellant that indicates that the proposed rotation of image display, or any other rotation of image display, would be safe in this particular situation. Despite that such signs are usually considered more acceptable in commercial areas, I consider that such a frequency of image change has the ability to distract road users from paying due care and attention to the road, which could prejudice highway safety.
13. I note the appellant company's agreement to static image displays only, which is welcomed. I also note that some aspects of the existing condition are imprecise and unenforceable. As such, I have added a new condition with altered wording and without restriction on when the image change occurs relative to traffic flows as with a single change per day there is far less likelihood of the sign causing being a distraction to motorists. The revised condition is required in the interests of highway safety.

Conclusions

14. Notwithstanding the imprecise aspects of the existing condition which I have addressed, in view of this main issue, I find the condition to be reasonable and necessary in the interests of public safety to accord with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the Framework.
15. The appeal is therefore allowed in the terms set out.

Hollie Nicholls

INSPECTOR

¹ APP/A5270/Z/18/3195922