
Appeal Decision

Site visit made on 5 November 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/A3655/Z/19/3236410

Lion Retail Park, 151 Oriental Road, Woking GU22 8BD

- 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 Richard Page, Insite Poster Properties LTD against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/0502, dated 10 May 2019, was refused by notice dated 2 August 2019.
 - The advertisement proposed is described as 'Erection of a digital advertising display
 - Display of illuminated static images on a 10 second sequential rotation.
 - No special effects including animation, flashing, or fading.
 - Illumination: Display will monitor and adjust to ambient light levels. Day max 600 candela/sqm. Night max 300 candela/sqm.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on the amenity of the area and public safety.

Reasons

Amenity

3. The appeal site is a grassed area to the south-east of Lion Retail park adjacent to the junction of Oriental Road and Maybury Hill. There are two mature trees within the land in addition to street furniture including a totem sign advertising shops at the adjacent retail park and a highways information sign. There is a mixture of commercial and residential premises within the immediate street scene.
4. The appeal proposal is for the erection of an illuminated digital advertising display measuring 6 metres wide and 3 metres high. The monopole support for the display as submitted with the application was indicated as being 3 metres in height, although the appellant has indicated that they would be amenable to a reduction in height of this to 2 metres. Advertisements would be displayed on a 10 second sequential rotation with no movements, animation or special effects.
5. Whilst there is existing signage adjacent to the roundabout, in the form of the totem pole and highways information signage, these are relatively discrete and

visually unobtrusive. The appeal signage however, would introduce a substantial structure that owing to its size and proximity to the road, and the absence of any other large structures of similar prominence, would be a visually incongruous and overly-dominant feature within the street scene. It would also result in an additionally cluttered assortment of signage and its singular and cumulative impact would be accentuated by the display of changing illuminated images, notwithstanding the proposed limit on the luminance. I am not persuaded that any such harm would be adequately mitigated by the appellant's suggested reduction in height of the monopole support.

6. The appellant considers that the advertisements integrate within what they describe as a commercial context, including relative to other signage and against the backdrop of the existing retail park and landscaping. The shops within the retail park are generally set a significant distance back from the junction and at a lower level, obscured to some degree on approach from the south-east by the mature trees adjacent to the site of the proposed advertisement. Whilst I observed existing commercial development within the area, there are also a number of residential properties within the vicinity of the site. In such a context, owing to its location, size and design, the proposed advertisement, would be a conspicuous and discordant intrusion into the street scene.
7. Whilst I have not been provided with any details that the trees are formally protected, the trees contribute positively to the street scene. I acknowledge that the appellant indicates that the advertisement would integrate within the landscaped setting. Owing to the proposed advertisements position and height, I am not persuaded on the evidence before me, that the proposal would not result in the requirement for works to, or impact upon the health of the trees, particularly the easternmost of the pair. Any impact to the trees resulting from the proposal would be detrimental to the visual amenity of the area and I am not persuaded that the advertisement would not result in such harm.
8. I conclude that the proposed advertisement would appear as a prominent and incongruous feature, which would cause significant harm to the visual amenity of the area. I have taken into account policy CS24 of the Woking Core Strategy 2012 (CS), policies DM2 and DM18 of the Development Management Policies Development Plan Document 2016 (DMP) which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with the provisions of these policies and the National Planning Policy Framework, including paragraph 132.

Public safety

9. The Council raise concern that the advertisement would block other important information and road users would be distracted by a sign showing unknown content. I am not persuaded that the proposals would not be sufficiently close to existing signage regarding car parking availability, to obscure it to some degree. Whilst I acknowledge that the proposal would not obstruct sight lines or traffic signals, I am not satisfied that the signage would not confuse a road-user's view, reduce the clarity of highway signage or not distract road-users on the adjacent roundabout, by reason of its size, position and changing images. I am not therefore persuaded that the proposed advertisement would not cause drivers to be distracted as they approach or navigate the junction.

10. For the collective reasons above, I therefore conclude that the proposed advertisement would prejudice conditions of public safety. I have taken into account policy CS18 of the CS and policy DM18 of the DMP which seek, amongst other things, to protect public safety and so are material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with the provisions of these policies, and the National Planning Policy Framework, including paragraph 132.

Other Matters

11. The Highway Authority indicate that the proposed advertisement would be located within highway land whilst the appellant indicates it would be located within land under their control. Whilst I acknowledge this, this matter has no bearing on my findings with regard to the main issues noted above.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR