



Appeal Decision

Site visit made on 14 October 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/T5720/Z/19/3233435

Advertising hoarding adjacent 316 Haydon's Road, South Wimbledon, London SW19 8JZ

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P1501, dated 3 April 2019, was refused by notice dated 5 July 2019.
 - The advertisement proposal is described as 'to remove all the existing ad hoc and 48 sheet advertisements and replace the site boundary with timber fencing a one 48 sheet advertisement (see attached block Plan). The replacement advertisement represents a 75% reduction in advert space and will be a better quality design of advertising unit, which is illuminated and feature the ability to automatically change the images being displayed'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on public safety.

Reasons

3. The appeal site is prominently located on the busy crossroads junction where the A218 Haydon's Road/Durnsford Road intersects the B235 Gap Road/Plough Lane. The crossroads junction itself is marked out as a box junction and is signalised, with signal-controlled pedestrian refuges located in the centre of every road that leads from it. During the time of my visit which was mid-to-late morning, the junction was heavily congested. As a result, vehicles were regularly stationary in the box junction area, which further exacerbated the congestion in the area.
4. The appeal concerns the frontage to a car repair garage and a currently vacant timber yard, which wraps around the corner of Haydon's Road and Gap Road and faces towards the busy junction described above. The appeal submission explains that Four 48 sheet advertisements and other smaller banner advertisements are currently displayed on the site. Whilst the Council is silent on the matter, the appellant advises that the current use of the site for the display of advertisements is permitted under the Regulations¹, having been used for such for more than ten years.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Only one advertisement would remain as a result of the proposal, which would be positioned towards the centre of the site, facing directly towards the centre of the crossroads junction. This would be in a similar general position as an existing internally illuminated hoarding at that site that displays advertisements sequentially by mechanical means. The proposed advertisement would comprise an LED digital display board that would be positioned slightly higher than the aforementioned hoarding. This would also display static advertisements in a sequential manner, which would be controlled remotely.
6. Whilst the proposed advertisement would not project out above the pathway of pedestrians or vehicles, it would prove distracting to drivers and road users. This distraction would occur due to the electronic/digital nature of the images that would be shown, in terms of their high resolution and digital colour tones. Such a form of display would appear unduly prominent behind the numerous sets of traffic signals that are evident throughout the junction area and would distract drivers' and pedestrians' attention. Such an arrangement would prove particularly harmful when advertisements would display colours that are similar to those of the traffic signals. This conflict would have the potential to lead drivers and pedestrians to miss changes to the signals.
7. I acknowledge that the existing arrangement already has a hoarding that displays advertisements sequentially and that there is no record of any distraction caused by this. I have also taken into account the fact that there would be an overall reduction in visual clutter resulting from the replacement of multiple hoardings with a single example. However, I do not consider that the current arrangement is comparable to the harm that would result in the circumstances that I have described above. The current arrangement using printed images which are then illuminated is not as stark and harsh as a digital display in terms of contrast and colour hue.
8. I find that on balance, the proposed advertisement would be hazardous and prejudicial to public safety and therefore contrary to the provisions of paragraph 132 of the National Planning Policy Framework.
9. The Council has drawn my attention to policies in the London Borough of Merton Site and Policies Plan (2014). Whilst I have taken these into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies and guidance have not, themselves, been decisive.

Conclusion

10. For the reasons given above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR