The Planning Inspectorate

Appeal Decision

Site visit made on 9 December 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/R5510/Z/19/3225667
Fronting 157-158 High Street, Uxbridge UB8 1JY

- 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 Neil Scoresby, British Telecommunication Plc against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 74355/ADV/2018/77, dated 21 November 2018, was refused by notice dated 31 January 2019.
- The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the proposed free standing InLink.

Decision

1. The appeal is allowed and express consent is granted for the display of an internally illuminated digital LED screen to both sides of the proposed free standing InLink 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 advertisement permitted by this consent shall be no greater than 200 candela per square metre (cd/m²) between dusk and dawn.

Procedural Matters

2. I have taken the appeal site address from the Council's refusal notice and the appellant's appeal form as this is more precise than the address on the advertisement consent application form.

3. The description of the advertisement as given on the advertisement consent application form is different from that provided on both the appellant's appeal form and the Council's decision notice; accordingly, I have used the latter description in the heading above and in my formal decision as it is more precise. Furthermore, based on the evidence before me, the description of the advertisement proposed as set out above was subject to consultation and publicity. I have considered the appeal on this basis.

4. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

5. I made two inspections of the appeal site, one during the daytime and another in the early evening after dark. This enabled me to assess the proposal in different lighting conditions.

Main Issue

6. The main issue is the effect of the proposed advertisement upon the amenity of the area including the character and appearance of the Old Uxbridge/Windsor Street Conservation Area.

Reasons

7. The appeal site is located in a pedestrianised section of the High Street in Uxbridge town centre close to the Pavilions Shopping Centre. It lies just within the Old Uxbridge/Windsor Street Conservation Area (CA), north-west of the section of the High Street open to traffic and the junction with Windsor Street and Bakers Yard.

8. The Council gave Prior Approval in January 2019[1] for the removal of the two existing BT payphone boxes at the site and the installation of one freestanding InLink structure. This appeal relates to a proposal to display internally illuminated digital LED screens to both sides of the InLink structure. The approved structure would measure 2.9 metres high and 0.89 metres wide. Each advertisement display screen would be positioned within the upper section of the structure and would measure 1.21 metres high and 0.69 metres wide.

9. The pedestrian area is wide and there are various other items of street furniture close to where the approved structure would be located, including litter bins, seating, town centre information panels and street lights. There are also trees and vertical steel supports forming part of the glass canopy over the entrance to the Pavilions Shopping Centre, all within the immediate vicinity of the appeal site.

10. The historic buildings within the CA, including the Market House, St. Margaret's Church and Uxbridge underground station, are mainly located beyond the pedestrianised section of the High Street south-west of the junction with Windsor Street and Bakers Yard. In contrast, the site is located near to mainly modern retail buildings and frontages, including the Pavilions Shopping Centre, that flank the pedestrianised area. Most of the commercial properties in the vicinity of the site have rectangular shaped fascia signs and some have small projecting signs at the same height as the fascia signs; most of the signs are illuminated. It is a vibrant commercial area with a high pedestrian footfall. I also visited the area in the early evening after dark and saw that the illuminated signs and shop window displays in combination with the street lights give the area around the site a bright, well lit appearance.

11. Notwithstanding that the site lies just within the CA and the presence of the historic buildings beyond the pedestrianised section of the High Street, the proposed advertisement would be seen, from both directions along the High Street, within the backdrop of the surrounding modern commercial buildings and street furniture. Although the digital nature and sequential changes of image of the advertisements would differ from other advertisements associated with the commercial premises in the area, given the high level of existing

[1] Application reference: 74355/APP/2018/4128

street furniture and the location of the site amongst the mainly modern retail buildings and their illuminated fascia signs, the proposed advertisement would not appear out of place nor attract undue attention.

12. Furthermore, taking into account the amount of street lighting, light from windows and the illuminated signs of the nearby shops, the proposed advertisement, including the sequential changes of images, would not be significantly noticeable or intrusive within the street-scene. I note that the appellant states the advertisement would always operate within the limits set out in the *Institution of Lighting Professionals, Professional Lighting Guide 05 (PLG 05): Brightness of Illuminated Advertisements*, with illumination levels dimming automatically at night. However, during the night when the commercial premises in the vicinity of the site are closed and other illuminated signs are turned off, the advertisement may stand out to a greater extent. However, I am satisfied that a condition could be imposed to restrict the level of illumination between dusk and dawn thus ensuring no harmful effect on amenity and the character and appearance of the CA.

13. Overall, and for the reasons outlined above, I conclude that the proposed advertisement would not be visually intrusive within the street-scene and it would preserve the character and appearance of the CA. Consequently, there would be no conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012); Policies BE4 and BE27 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (2007) as incorporated into the Hillingdon Local Plan (2012); Policy 7.8 of the London Plan (2016), and paragraph 132 of the National Planning Policy Framework which, amongst other things, seek to protect visual amenity and ensure proposals within conservation areas conserve their significance, and as such are relevant in this case.

14. The Council's refusal notice also refers to Local Plan: Part Two Policy BE29 and the Council's adopted Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shopfronts. However, neither is directly relevant to this case as the appeal proposal does not relate to an advertisement on a business premises or shopfront.

Conditions

15. The Council has not suggested any conditions to add to the five standard conditions which are set out in the Regulations. However, in the interests of amenity and the character and appearance of the CA a further condition is required to restrict the intensity of illumination between dusk and dawn.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR