



Appeal Decision

Site visit made on 4 February 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2020

Appeal Ref: APP/A5270/Z/19/3241016

Land at Uxbridge Road corner of Wharncliffe Drive, Uxbridge Road, Ealing UB1 3EP

- 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 Thomas Johnston of JCDecaux UK Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 162954ADV, dated 2 June 2016, was refused by notice dated 24 September 2019.
 - The advertisement proposed is described as 'removal of existing 12m x 3m externally illuminated advertisement to be replaced by 2x 6m x 3m internally illuminated sequential displays supported by a Wilmotte Leg'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has cited a number of development plan policies in its reasons for refusal. However, the Regulations¹ require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed advertisements on the amenity of the surrounding area and on public safety.

Reasons

Amenity

4. The appeal site is an irregular parcel of grassed land located on the northern side of Uxbridge Road at its junction with Wharncliffe Drive. The site includes an existing externally illuminated static advertisement display measuring 12 metres by 3 metres, set back from the highway and facing southeast over the road junction. The surrounding area is predominantly characterised by residential properties comprising two storey short terraces along the northern side of the highway and high-rise flats to the south. A car sales business

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

operates to the immediate north and east of the site alongside a short parade of shops.

5. Uxbridge Road forms a busy thoroughfare through this part of Ealing with multiple lanes of traffic, yet its landscaped verges, lined with mature trees, soften this otherwise busy urban environment. The proposal would see the existing static advertisement display replaced by two internally illuminated digital LED displays positioned close to the southern boundary of the site and mounted on a steel framed structure in a V formation. Each digital LED display would measure 6 metres by 3 metres and rise to an overall height of approximately 6.3 metres above the ground.
6. Due to their size, orientation and elevated position, and in the absence of other digital advertising structures of a similar scale or appearance, the proposed advertisements would result in highly prominent and visually obtrusive features. Their digital LED method of illumination, while below best practice guidance for brightness, would result in visually incongruous features that would dominate the street scene. This impact would be compounded by the intermittent changing of the illuminated displays that would significantly draw the eye, further accentuating their visual prominence and incongruous appearance. Consequently, the advertisements would have a harmful effect on amenity.
7. I acknowledge that the advertisements would replace an existing externally illuminated display that has been long established on the site. However, this does not provide a justification for allowing the appeal as the proposed advertisements significantly differ in their positioning, scale, method of illumination and overall appearance. Furthermore, I am not convinced by the appellant's argument that the proposal is an example of innovative design as the steel framed supporting leg has a functional appearance and the overall structure is a rather basic utilitarian design.
8. I have taken into account the provisions of the development plan, so far as they are relevant, in accordance with the Regulations. Policy 7.4 of the Ealing Development Management Development Plan Document (2013) and policies 7.4 and 7.6 of the London Plan (2016), together, seek to protect amenity and so are relevant in this case. I have found that the proposed advertisements would be harmful to the amenity of the surrounding area, and thus do not accord with these policies.

Public Safety

9. The Planning Practice Guidance (PPG) advises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
10. The advertisements would be situated in close proximity to a busy signal-controlled junction which includes multiple lanes of traffic, a bus lane and multiple pedestrian crossings. I observed at my site visit that this is a very busy road junction with traffic joining the highway from both Warndcliffe Drive, to the north, and from Ealing Hospital's entrance, to the south. Traffic also queues in filter lanes to leave the main highway and the junction is used by emergency vehicles accessing the hospital site.

11. The V formation of the proposed advertisements is such that they would be visible to both east and westbound traffic. The west facing advertisement would be particularly visible to eastbound traffic and owing to its scale and method of illumination would provide an unduly vivid and prominent visual feature that would attract the attention of motorists on the approach to the junction. This would result in a distracting feature at a point at which drivers have to interpret traffic signals, make decisions about their direction of travel and accommodate other motorists entering the junction, as well as being vigilant to pedestrians crossing the road.
12. My concern is that a driver would be distracted by the scale and/or illuminated glare of the advertisement or at the point of changeover of advertisements and as a result fails to stop at a red light causing a vehicle or pedestrian collision. This presents a significant risk to highway safety. I also note that the Council's Transport Services Team object to the proposal highlighting the fact that there have been 18 accidents at or near to the junction in the last five years and, therefore, this significantly adds to my concerns.
13. Consequently, I find that the proposal's siting, scale and method of illumination, in close proximity to a busy road junction, would have a detrimental effect on public safety. Thus, the proposal would conflict with policy 6.3 of the London Plan (2016) and policies T2 and T4 of the Draft London Plan (2017) which together are concerned with highway safety and are, therefore, of relevance to this appeal.

Other Matters

14. The appellant has alerted me to the approval of a single sided internally illuminated sequential digital display unit at the appeal site that was granted in December 2017. However, the details of this consent are not before me and, therefore, I am unable to draw any firm conclusions from it. In any case, I have determined the appeal on its own merits.
15. It is also suggested that the proposal would make use of modern technology and reduce waste and energy consumption. I also acknowledge that the proposal would not affect any heritage assets and would not have a significant detrimental effect on the living conditions of nearby residents with regard to the outlook from their properties. However, these matters do not overcome the harm I have found and do not, therefore, lead me away from my conclusion.

Conclusion

16. I have found that the proposal would be harmful to the amenity of the surrounding area and it would present a significant risk to public safety. For these reasons, the appeal is dismissed.

Jeff Tweddle

INSPECTOR