



Appeal Decision

Site visit made on 25 February 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 9 March 2020

Appeal Ref: APP/Z5630/Z/18/3209490

Outside 22-28 Eden Street, Kingston upon Thames KT1 1EP

- 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 and British Telecommunications plc against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/12409/ADV, dated 8 May 2018, was refused by notice dated 26 June 2018.
 - The development proposed is two digital LED display screens, one on each side of the InLink.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the advertisement as applied for. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out below.
 - 1) The intensity of the illumination of the digital sign shall not exceed 600 candelas per square metre between dusk and dawn in line with the maximum permitted recommended luminance as set out by Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'
 - 2) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling, three dimensional, intermittent or video elements).
 - 3) The minimum display time for each advertisement shall be 10 seconds.
 - 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Procedural Matters

2. No address is provided on the application form and so I have used the address provided on the appeal form as this provides greater clarity in the identification of the site.

3. In the decision letter the Council states that the proposal “would accord with policies CS8 and DM10 of the Council’s adopted LDF Core Strategy April 2012”. This is clearly an error and the Council had intended to refuse the development for lack of compliance. It is clear from the evidence before me that the appellants have recognised this error and so I have considered this proposal on the basis that the Council considered it contrary to those policies, as stated in the officer’s report.
4. The Council has referred to development plan policies in respect of the proposal. As advertisement proposals can only be considered on the basis of amenity and public safety considerations, I have taken into account relevant development plan policies so far as they relate to these issues, but in themselves they have not been determinative from the point of view of my overall conclusion on the advertisement appeal.

Main Issue

5. The control of advertisements is exercisable only with respect to amenity and public safety. The main issue is the effect of the proposed advertisements on amenity.

Reasons

6. The site is located in Eden Street which is a wide street with commercial uses on both sides. The range of shops and services provided and the high-density housing in the area combine to result in Eden Street having the character of a busy urban street. Generally, there are wide footways between the shop frontages and the vehicular carriageway in the vicinity of the site, with street furniture of a contemporary design including existing telephone kiosks, a bus shelter incorporating an advertising screen, lamp posts and street signage. Advertising on the commercial units includes some external illuminated signage but is generally low key and incorporates static images. The buildings exhibit a mix of architectural styles, generally with more modern shop facades below. Overall the area has a vibrant urban character.
7. Nearby there are advertising panels associated with the bus stop. Whilst the panels would be unrelated to the services provided by the adjacent commercial units, they would be viewed in the context of the advertising panels associated with the bus stop and so, provided that luminance levels are controlled during the hours of darkness, would not appear prominent or incongruous in views along the street. The luminance levels could be controlled by planning condition.
8. For the reasons outlined above, I conclude that the proposed digital advertising panels would not be harmful to the character or appearance of the site or the surrounding area and hence to amenity. I have taken into account Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Kingston Local Development Framework Core Strategy (2012) which seek to protect the primarily suburban character of the Borough and require developments to avoid locating structures, including advertisements and signs equipment where they will be visually intrusive and likely to result in adverse effect to the character and visual amenities of the local and wider area.

Conditions

9. The appellants, in the context of their Planning, Design and Access Statement, propose the use of several conditions to control the intensity of illumination at night and the movement, display and intervals for any advertisements. The appellants propose 600 candelas per square metre based upon guidance in the Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. I have not been provided with a copy of the document. However, in the interests of preserving the character and appearance, and hence the amenity, of the area, it is necessary to impose an illumination condition. In the interests of public safety, it is necessary to impose conditions relating to the movement, display and intervals for any advertisements.
10. I am not persuaded that condition 5 suggested by the appellant, relating to the resemblance of advertisements to highway signage, is necessary. In this regard, I note that this was not proposed by the Council nor was it requested by the Council's highways officers.

Conclusions

11. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

I Dyer

Inspector