
Appeal Decision

Site visit made on 14 June 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/C3620/Z/20/3244716

1 The Parade, Kingston Road, Leatherhead, KT22 7SR

- 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 Clear Channel UK against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1888/ADV, dated 11 October 2019, was refused by notice dated 11 December 2019.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. I carried out the site visit on an unaccompanied basis. It was possible to see the site of the proposed advertisement from public land.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Regulations ("the Regulations") make clear that advertisements are subject to control in the interests of amenity and public safety. The main issue in this appeal is the effect on amenity.

Reasons

4. The existing advertisement hoarding faces a busy road. There are residential properties located on the other side of the street and visible around the site, along with commercial development, shops and community buildings surrounded by mature landscaping features and private open space. Architecturally the area therefore has a suburban character, interspersed with elements of mixed-use development.
5. In this context the existing billboard hoarding, a historic feature that has been in situ for a considerable amount of time, appears unexpected. Because of its size and raised height, it dominates the petrol station to its immediate south. It jars with the traditionally styled row of shops it adjoins, extending over the edge of the end gable wall in an awkward manner. In consequence, it does not make a positive contribution to the character and appearance of the area.
6. The internal illumination necessary to facilitate the display of static adverts on 10 second rotation would be limited. With appropriate controls in place, the proposal would not significantly change the way this existing hoarding appears

during daylight hours. However, the digital display means that the advert would become more visible in the hours of darkness, as a consequence of the proposal¹.

7. On such occasions the reduced natural light would disguise other features of the built environment. This would provide greater emphasis to this illuminated advertisement, in views from the south. Because of its size and raised position, it would be of greater prominence than existing sources of artificial light, including the modest signage associated with the petrol station and commercial establishments along the Kingston Road. Visually the advert would largely sit above these signs, resulting in a cluttered scene.
8. Consequently, in the hours of darkness this illuminated billboard would be an incongruous feature that dominates its surroundings to a much greater degree than the existing hoarding. In these respects, I concur with the Council's finding that the proposal would be an obtrusive feature which is detrimental to the character and appearance of this suburban area. As such, there would be unacceptable harm to amenity.
9. I have considered the various conditions suggested by the appellant. These would not prohibit the billboard from being used in the hours of reduced light or darkness. This is the point where the increased harm over the existing situation would be apparent, even with the suggested limitations on luminance being imposed. Given the variations in daylight hours across the year, it would be prohibitively difficult in my view to draft a condition limiting the use of advert to daylight hours in a precise way.
10. I have taken into account policies ENV36 of the Mole Valley Local Plan (2000) and CS14 of the Mole Valley Core Strategy (2009) which, amongst other things, seek to ensure that proposals for advertisements take in to account the interests of amenity. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.
11. I have also had regard to the National Planning Policy Framework and Planning Practice Guidance in my assessment of this appeal, along with the other planning policies and guidance documents cited by the appellant in the appeal statement. However, these do not change my finding that there would be harm to amenity. The lack of objections and other benefits in favour of the proposed works, as cited by the appellant, do not justify the proposal in light of the identified harm given the assessment required under the Regulations.

Conclusion

12. For the reasons given above the appeal should be dismissed.

Neil Holdsworth

INSPECTOR

¹ As discussed in the appeal statement, particularly paragraph 8.1.7