



Appeal Decision

Site visit made on 27 October 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/A5270/Z/20/3246555

Outside No 4 The Broadway, Ealing UB6 9PR

- 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 Miss Linda Francomb (Clear Channel) against the decision of the Council of the London Borough of Ealing.
 - The application Ref 194494ADV, dated 21 October 2019, was refused by notice dated 13 December 2019.
 - The advertisement proposed is installation of a Free Standing Unit with double sided digital advertising.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the amenity of the area and on public safety.

Reasons

Amenity

3. The appeal site is located along a busy street characterised by commercial units. The footway is reasonably wide and contains a variety of street furniture including, amongst other things, telephone kiosks, bus shelters, benches and bins. The presence of several trees creates a pleasant environment.
4. Where there are signs along the footway, even considering their size, they are generally integrated into other street furniture as such do not dominate. By contrast, the proposal would be freestanding, in a very prominent location near the junction. I accept that the level of illumination and rate that individual adverts change could be controlled. However, as a freestanding unit, the combination of its position, nature and size, would result in an obtrusive, dominant and uncharacteristic feature in the street. As such, and even though no heritage asset would be affected, the proposal would harm the general amenity of the area.
5. My attention has been drawn to several other advertisements allowed at appeal. However, from the evidence before me, these related to advertisements that were incorporated into bus shelters or telephone kiosks rather than freestanding units. As such, although I do not have the full details of those proposals, the circumstances that applied to those cases are not directly comparable to those before me. I have, in any case, determined the appeal on its own merits.

6. I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

Public safety

7. The alignment of the freestanding unit with other features along the footway would ensure that the advert would not be a significant obstruction to users of the footway, even those that are partially sighted. Moreover, its position would not impede visibility for motorists of signage, signals or pedestrians crossing. However, its position adjacent to a busy junction would still be particularly prominent to motorists.
8. Although the change in display would be almost instantaneous and would not change more than once every 10 seconds, the change would draw the eye, encouraging a motorist to look towards the display to see the new advert. At the proposed location any small distraction could lead to a collision as vehicles manoeuvre at the junction.
9. Matters covered by the use of conditions to control, amongst other things, luminance levels would not overcome my fundamental concern over the potential distraction caused by a changing advert in this particular location. As such, I find that the proposal would prejudice public safety in the area.

Other Matters

10. The Council has cited policies 7.4 and 7.6 of the London Plan (2016), Policy 3.8 of the Development Strategy 2026 Development Plan Document (2012) and Policies 7.4 and 7B of the Development Management Development Plan Document (2013) in its reasons for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been decisive in my determination of this appeal.

Conclusion

11. In conclusion, the proposal would have a harmful effect on the amenity of the area and on public safety. As such, and for the reasons given above, the appeal is dismissed.

Robert Walker

INSPECTOR