



Appeal Decision

Site Visit made on 25 May 2021

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021.

Appeal Ref: APP/A5270/H/20/3264214

Outside Itsu, The Broadway Centre , Ealing, W5 5JY

- 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 JCDecaux UK Limited against the decision of London Borough of Ealing.
 - The application Ref 20/3382/ADV, dated 26 August 2020, was refused by notice dated 3 November 2020.
 - The advertisement proposed is a freestanding internally illuminated single sided advertising LDC panel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This decision refers only to the appeal as described above. The proposed telecommunications kiosk to which the advertisement would be affixed is the subject of a separate decision.¹

Main Issues

3. The main issues are:
 - The effect of the advertisement on the amenity of the area, including the setting of the Ealing Town Centre Conservation Area; and
 - The effect of the advertisement on public safety.

Reasons

Amenity

4. The LED illuminated panel would be fitted to the rear of a telecommunications kiosk, facing oncoming traffic. It would appear within the context of a busy high street amongst a range of advertisements, such as freestanding pavement boards, shopfront signs and other pavement kiosks. For this reason, despite the site's conservation area location, the installation would not appear out of place.
5. The proposal would preserve the character and appearance of the Conservation Area, and I conclude that it would not have a harmful impact on the amenity of the area.

¹ Appeal ref: APP/A5270/W/20/3264447

Public safety

6. The advertisement would be located on a busy pavement, which narrows in the vicinity of the appeal site. The adjacent road is heavily trafficked and the site is close to a pelican crossing. The advertisement would exacerbate the existing pavement pedestrian congestion, by further narrowing its width. The close proximity of moving traffic and the crossing would restrict visibility and present risks to the safety of users of both the pavement and the carriageway.
7. I therefore conclude that the proposed advertisement could have a harmful impact on public safety.

Other considerations

8. The Council has drawn my attention to its *Development Strategy 2026 Development Plan Document* (2012) (the DS) Policies 1.1, 1.2 (f), 1.2 (g), 2.1c and 2.10; its *Development Management Development Plan Document* (2013) (the DMDPD) Policies 7.4, 7B and 7C, and policies of the *London Plan* (2021), which supersedes the previous version. I have taken these into account as a material consideration. However, powers under the Regulations require that decisions are made only in the interests of amenity and/or public safety. Consequently, these policies have not been a decisive consideration in my decision.

Conclusion

9. For the reasons given above I conclude that the display of the advertisement would be not detrimental to amenity. However, there would be risks to public safety, and the potential for harm with regard to the latter outweighs any absence of harm from the former.
10. I therefore conclude that the appeal should be dismissed.

G Rollings

INSPECTOR