



Appeal Decision

Site visit made on 8 June 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/A5270/H/21/3270286

Land at Friary Road and Western Avenue, Acton, W3 6AF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Martin Stephens, JCDecaux UK Limited, against the Council of the London Borough of Ealing.
 - The application Ref 203924ADV is dated 23 September 2020.
 - The advertisement proposed is the reinstatement of a single advertising display with a screen area measuring 6m x 3m using LED modules.
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Decision

1. The appeal is dismissed, and advertisement consent is refused.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. This appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. The Council has provided a statement of case and draft decision notice in which it has set out its assessment of the proposal and its objections which would have constituted the reasons for refusal had it been in a position to determine the application.
4. The Council has also drawn my attention to a number of development plan policies which it considers relevant to this appeal and I have taken them into account where relevant. However, the powers to control advertisements under the Regulations¹ may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterate this approach.
5. The description of development above is taken from the application form. However, measurements of the proposed advertisement vary throughout the submitted evidence. Therefore, for the avoidance of doubt, I have determined this appeal based on the plans which were submitted to the Council.

Main Issues

6. The effect of the advertisement on amenity and highway safety.

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

Reasons for the Recommendation

Amenity

7. The appeal site is a prominent corner plot on the A40 at the junction with Friary Road. It is currently occupied by a dilapidated advertisement support structure. The surrounding area has a mixed character, with large scale buildings on the opposite side of the A40 and commercial uses further north beyond the appeal site. However, it is within the context of the two and three storey residential properties immediately adjacent to the appeal site to the south and west which the proposal would be predominantly read.
8. The proposed advertisement would occupy an elevated position on a significant support structure. As a result of its prominent siting, excessive scale and method of display it would be an overly dominant and highly intrusive feature in the immediate street scene and would fail to reflect the residential characteristics of this part of the locality.
9. Whilst the existing disused advertisement structure gives the site a poor visual appearance and the site is somewhat overgrown, the existing vegetation nevertheless makes a positive contribution to this busy arterial route by creating a sense of space. The proposed advertisement and structure would largely mask this soft landscaping and enclose this part of the street scene.
10. Accordingly, this proposal would result in unacceptable harm to the visual amenity of the area, and would be contrary to policies D4, D8 and G1 of the London Plan 2021, policies 3.1 and 5.3 of the Development Strategy 2026 (April 2012) and policies 2.18, 7.4 and 7B of the Development Management Development Plan Document (December 2013). Although not decisive, these policies collectively seek to ensure that developments deliver good design that complements local character, including green corridors and infrastructure, and have a positive visual impact.

Highway safety

11. The proposal would be located close to the A40 and at the time of my site visit there was a high volume of traffic using the outbound three lane carriageway. Whilst just a snapshot in time, I consider my observations were not unusual given the classification of the highway. Indeed, the appellant states that it is one of the busiest western approach routes into and out of London.
12. Furthermore, the appeal site is located adjacent to a bi-directional cycle track which crosses the junction with Friary Road and there is also a nearby bus stop and a number of road signs in the immediate vicinity. As such, drivers would require high levels of concentration on the approach to the appeal site, particularly if turning left into Friary Road, to observe the road signs and any approaching cyclists. Furthermore, if a bus was waiting at the nearby stop, drivers would only get a full view of the junction when up close, potentially resulting in drivers making last minute lane changes.
13. The proposed advertisement, due to its siting, raised positioning and design, would be an overly distracting feature in this part of the highway. Given the existing road layout and features noted above, any additional distractions in this locality would be likely to hinder drivers ability to safely navigate the junction and to use this stretch of highway safely.

14. I note there is an existing directional sign immediately adjacent to the appeal site. Whilst I consider that the proposal would not obstruct the view of the sign given its offset positioning, it would nevertheless compete with it given its size and siting and draw the eye away, potentially before drivers could fully absorb its information.
15. I do not have the full details of the serious accident which occurred nearby. Nevertheless, its location and those of other slight accidents immediately adjacent to the appeal site are noted and this raises my concerns that the junction layout requires high levels of concentration with limited distractions.
16. Consequently, I find that the proposal would result in unacceptable harm to highway safety. It would be contrary to Policy T4 of the London Plan 2021 which, although not decisive, seeks to ensure that developments do not increase road danger.

Other Matter

17. The appellant has referred to previous decisions at the junction of Western Avenue with Rosebank Way. However, that site is read in a different context to the appeal site and, moreover, I have considered this proposal on its own merits.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR