



Appeal Decision

Site Visit made on 7 September 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/R5510/Z/21/3273152

Starbucks, Shepiston Lane, Heathrow North

- 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 Mohammed Tayab of Euro Garages against the decision of London Borough of Hillingdon.
 - The application Ref 17981/ADV/2020/75, dated 9 December 2020, was refused by notice dated 12 March 2021.
 - The advertisement proposed is 1) int-illum 9mtr totem 2) 2 x int-illum double sided monuments/mini totems 3) int-illum clearance bar 4) int-illum preview menu board 5) int-illum speaker/order canopy 6) int-illum 5-panel menu board 7) non-illum drive thru window frosted vinyl 8) int-illum double sided thank you/no entry directional sign 9) int-illum 1500mm single sided roundel 10) int-illum 1500mm single sided roundel 11) int-illum 305mm wordmark 12) int-illum wall mounted 430mm high building directional sign 13) non-illum window manifestations - 2 different heights 14) ext-illum drive thru artwork/fret cut panel 15) non-illum double sided banner frame.
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Decision

1. The appeal is allowed and express consent is granted for 1) int-illum 9mtr totem 2) 2 x int-illum double sided monuments/mini totems 3) int-illum clearance bar 4) int-illum preview menu board 5) int-illum speaker/order canopy 6) int-illum 5-panel menu board 7) non-illum drive thru window frosted vinyl 8) int-illum double sided thank you/no entry directional sign 9) int-illum 1500mm single sided roundel 10) int-illum 1500mm single sided roundel 11) int-illum 305mm wordmark 12) int-illum wall mounted 430mm high building directional sign 13) non-illum window manifestations - 2 different heights 14) ext-illum drive thru artwork/fret cut panel 15) non-illum double sided banner frame.
2. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

3. I have taken the address and description of development above from the application form. Although different to the decision notice, no confirmation that a change was agreed has been provided.
4. At my site visit I saw that several signs were in place at the site. However, I cannot be sure that the works directly reflect the submitted plans and have therefore considered the appeal as a proposed scheme.
5. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. I consider that there have been

no fundamental changes relevant to the main issue in this appeal and therefore no injustice would be caused to any of the appeal parties by my taking account of the revised Framework.

6. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach.
7. Consequently, issues relating to 'inappropriateness', 'other considerations' and 'very special circumstances' with regard to the Green Belt do not apply. As a result, development plan² and Framework policies dealing with these matters are not relevant to my assessment of the appeal.

Main Issue

8. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

9. The scheme involves a number of signs spread across the site. Nevertheless, many of them are at a low-level. Several are at or close to the building that would. This, areas of landscaping within and outside the site, including some subject to a Tree Preservation Order and changing land levels would, at least partly, screen many of them from Shepiston Lane and the M4.
10. The roadside signs and higher-level ones at the building and within the site would be seen from parts of Shepiston Lane and the M4. Nonetheless, the curvature of the road along with nearby trees and buildings would aid in screening them until close to the site or within the cemetery where they would be seen with the built form adjacent.
11. While of a greater height, the totem sign would not be significantly taller than the forecourt canopy at the adjacent fuel station, and there are other vertical features nearby such as street lighting. There are also several other signs at the fuel station forecourt and the associated building of varying sizes and shapes.
12. The proposed signage would be seen in the context of the commercial development and signage nearby along with the existing development at the appeal site building in the form of the Starbucks building and associated parking area. Therefore, the presence of a variety of signs, including illuminated and of the height proposed would not appear incongruous or have an additional urbanising effect.
13. There are no residential properties close by that would be affected by the advert. Public safety is not identified as an issue by the Council, and I have reached the same view.

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

² Policies EM2 and the Part 1 Plan, DME14 of the Part 2 Plan and G2 of the London Plan

14. Therefore, the proposed development would not harm the visual amenity of the area. I have taken into account Policy BE1 of the Part 1 Plan³, Policy DMHB13A of the Part 2 Plan⁴ and the Framework. These seek to maintain the quality of the public realm, that advertisements compliment the buildings they relate to and that the quality and character of places can suffer when advertisements are poorly sited and designed; and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Conclusion

15. For the reasons given above, the appeal is allowed.

Stuart Willis

INSPECTOR

³ Hillingdon Local Plan: Part 1 Strategic Policies

⁴ Hillingdon Local Plan: Part 2 Development Management Policies