



Appeal Decision

Site visit made on 16 November 2021

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/H1515/Z/21/3275180

6 Ongar Road, Brentwood CM15 9AX

- 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 Daylite LED Media Ltd against the decision of Brentwood Borough Council.
 - The application Ref 21/00151/ADV, dated 29 January 2021, was refused by notice dated 26 March 2021.
 - The advertisement proposed is replacement of existing advertisement with a new LED digital advertisement of a smaller size.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (Framework) was revised on 20 July 2021. It replaces the version from 2019 that the Council considered when it determined the application. There are few differences between the two versions of the Framework regarding the specific issues in dispute for this appeal, and so it has not been necessary to seek the views of the parties on this matter.

Main Issue

3. The main issue is the effect of the proposal on amenity.

Reasons

4. The Regulations¹ set out that advertisements should be subject to control in the interests of amenity and public safety. Factors relevant to amenity include the characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.
5. The appeal site includes an end of terrace property with a gabled elevation that features several advertisements on and above a signage board. The site is adjacent to the junction of Ongar Road and William Hunter Way, close to a large superstore and car park, and near the High Street in Brentwood Town Centre. In addition, it is outside but close to the Brentwood Town Centre Conservation Area, which includes High Street and part of Ongar Road.
6. Both High Street and Ongar Road are characterised by buildings of varying ages and styles and commercial uses at ground floor level. The conservation area derives significance from the commercial uses and several assets of

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

historic and architectural interest, some of which are listed. Notably, Wilsons Corner features a building of architectural interest inside the conservation area and visible from the junction adjacent to the site. The commercial character of Ongar Road in the vicinity of the junction contributes to the setting of the conservation area.

7. There are many advertisements both inside and outside the conservation area, including a large advertisement on a building on the opposite side of William Hunter Way. However, there are a relatively limited number of illuminated advertisements in the vicinity and those primarily take the form of facias above shop fronts on High Street.
8. The scheme involves the removal of the advertisements from the gabled elevation and their replacement with a digital display that would show illuminated static images. It is put forward that the images would not change more than once every 5 seconds and that the transition time from one image to the next would be 1 second at a maximum.
9. The evidence indicates that the digital display would have a lower height than the signage board and it would only show one image at a time. It would thus be smaller than the board and less cluttered than the existing advertisements. It would also have a slim profile and would project only slightly further from the gable than the board.
10. However, the display would nevertheless extend across most of the width of the gable and occupy a significant proportion of the upper part of the elevation, with the top of the display roughly in line with the building's eaves. Consequently, the illuminated images would be highly visible from the junction and on approach to High Street. The transitions between images would exacerbate its prominence. Whilst the area is characterised by commercial uses, there are no comparable digital displays in the vicinity, nor are there any illuminated advertisements of similar size or prominence evident. Furthermore, the proposal would detract from views of Wilsons Corner from the junction.
11. The Council contends that existing advertisements at the site are unauthorised, but this is contested by the appellant. Nonetheless, even if the existing advertisements are lawful, due to the size and siting of the proposed display, its transitioning illuminated images and a lack of comparable features in the vicinity, the scheme would constitute a discordant and visually intrusive feature that would be incongruous in the area and have a harmful impact on amenity. The landscaping currently in situ in front of the gable and conditions to control the luminance of the display would not overcome the harm identified.
12. In accordance with the Regulations, I have considered the provisions of the development plan so far as they are relevant. The Council contends that the proposal conflicts with Policy C22 of the Brentwood Replacement Local Plan (LP), but it relates to advertisements inside conservation areas and so is irrelevant. However, the proposal conflicts with LP Policies CP1, C14 and C21, which seek respectively to protect amenity, the character or appearance of conservation areas and prevent illuminated advertisements. It also conflicts with paragraph 136 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed and that advertisements should be controlled in the interests of amenity.

Other Matters

13. The appellant contends that the proposal would have environmental advantages as the display would be remotely operated and thus fewer vehicle movements and less fuel consumption and carbon emissions would be required to manage it and change advertisements. It is also put forward that LED bulbs are energy efficient and the proposal would contribute to economic vitality and vibrancy. I note there were no objections from members of the public and the Council did not object due to concerns regarding public safety, nor did the Highway Authority raise an objection. I see no reason to reach a different conclusion to the Council regarding public safety and thus find that the proposal would be acceptable in that respect. However, the harm to amenity nevertheless remains and the matters identified do not outweigh that harm.

Conclusion

14. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR