
Appeal Decision

Site visit made on 8 December 2021 by A Coombes

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2022

Appeal Ref: APP/L5810/Z/21/3282997

Site Address: 50 South Road, Twickenham TW2 5NT

- 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 Lidl GB Limited against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref 21/1849/ADV, dated 14 May 2021, was refused by notice dated 17 August 2021.
 - The advertisement proposed is a partially illuminated totem comprising signage panels.
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Decision

1. The appeal is allowed and consent is granted for the display of a partially illuminated totem sign. 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 and the following additional conditions:
 - 1) The intensity of illumination shall not exceed 375 candelas per square metre.
 - 2) The advertisement shall only be illuminated inside of the opening hours of the visiting public of the premises to which it is associated and should be switched off at all other times.
 - 3) The illumination of the advertisement shall be constant and not appear to be intermittent or flashing.

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.

Procedural Matters

3. The advertisement was in situ at the time of the site visit and therefore the appeal has been considered on a retrospective basis.
4. The Council have cited Policies LP1 and LP8 of the London Plan (2018) in their reason for refusal. However, the Policies that have been provided are Policies LP1 and LP8 of the London Borough of Richmond Upon Thames Local Plan (LP), adopted 2018. For the purpose of this appeal regard has been given to these.

Main Issue

5. The main issue is the impact of the advertisement on amenity.

Reasons for the Recommendation

6. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
7. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. The appeal site is located on a busy road with mixed commercial and residential uses, the appeal site comprises a LIDL supermarket, B&Q and large car parking facilities. It is set within a commercial complex that includes a car dealership. The application seeks retrospective permission for a partially illuminated totem sign comprising Lidl and B&Q branding.
9. The appeal site is located opposite a row of detached houses and a block of flats, some of which are listed as buildings of Townscape Merit. Although this area is suburban in appearance, the appeal site is immediately located within a commercial context. There are examples of other advertisements nearby, including two freestanding signs at the car dealership, one of which is illuminated. Therefore, the advertisement is not incongruous in its setting.
10. On approach from either end of South Road the advertisement is prominent enough to alert road users of the access point to the site but is set back from the highway so as not to disrupt visibility splays. Whilst the advertisement is large, the size is in keeping with the scale of the nearby advertisements and buildings. Furthermore, although bright in colour, the design is uncomplicated and corresponds with the fascia signage on the Lidl and B&Q stores. Given that the advertisement represents two brands, it is not excessive or cluttered. Therefore, in terms of siting and scale, the advertisement is acceptable within its context and is not detrimental to the visual amenity of the commercial area of South Road.
11. The advertisement does increase illumination levels within the area. However, given the commercial character of the immediate vicinity, and the sufficient separation distance between the advertisement and nearby residential properties, the light spill does not cause undue harm to amenity. Also, a condition could be attached to the scheme to ensure that the impact of the illumination on nearby residents remains acceptable.
12. For the reasons given above, the proposed advertisement would not be harmful to the amenity of the area. Although not decisive, regard has been had to Policy LP1 and LP8 of the LP, the London Borough of Richmond Upon Thames Supplementary Planning Document Shopfronts (SPD), adopted 2010 and the National Planning Policy Framework (the Framework). Respectively, Policy LP1 and LP8 (LP) require that advertisements complement the proportions, character, materials and detailing of the surrounding street scene and are not visually intrusive or cause disturbance to nearby occupiers. Furthermore, the

SPD and Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

13. There is a reason for refusal relating to fire safety although it is not explicitly mentioned in the Officer report. This is a standard form of advertising and the Policy referred to is not intended to control advertisements.
14. Concerns have been raised around the loss of green landscaping at the appeal site. However, the advertisement is not directly related to any significant loss of landscaping. Neighbour consultation responses comment on the cumulative impact of the commercial developments on the character of South Road over time and the disregard of the planning process by requesting retrospective permission. However, this decision must focus on the planning merits of the proposal and the impact of the advertisement within the current context.
15. Comments have been received relating to environmental issues and the disappearance of bats and owls. However, no substantive evidence has been provided to indicate that harm has arisen in respect of the advertisement subject to this appeal.

Conditions

16. I recommend that conditions should be attached to control the level, hours, and nature of the illumination in the interests of preventing danger to road users and preserving amenity. The Council suggested specific operating hours for the advertisement however, given the commercial nature of the area, illumination within the opening hours of the store would be acceptable in amenity terms.
17. The Council requested that a further condition is attached to ensure adherence with the plans, however, this is neither necessary nor appropriate given that consent would only be granted for the submitted drawings and related details.

Conclusion and Recommendation

18. Aside from the matter relating to fire safety, which has been considered above, the Council has raised no concerns over issues relating to public safety. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

A Coombes

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 the appeal is allowed.

K Taylor

INSPECTOR