



Appeal Decision

Site visit made on 3 February 2022

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/Z5630/H/21/3277351

380 Richmond Road, Kingston upon Thames, KT2 5PR

- 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 Simon Allen, Big Yellow Self Storage Company Limited against Royal Borough of Kingston Upon Thames.
 - The application Ref 21/00400/ADV is dated 5 February 2021.
 - The advertisements proposed are five internally illuminated signs on the northern and western elevations and one non-illuminated sign on the southern elevation.
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Decision

1. The appeal is allowed and express consent is granted for the display of five internally illuminated signs on the northern and western elevations and one non-illuminated sign on the southern elevation as applied for. 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 advertisements hereby approved shall only be illuminated between 0700 hours and 1900 hours.
 - 2) The intensity of the illumination of the five internally illuminated signs on the northern and western elevations permitted by this consent shall be no greater than 300 candela per square metre. The sign on the southern elevation shall not be illuminated.

Preliminary Matters

2. As originally submitted the application was for six internally illuminated signs, but, during the consideration of the application by the Council, this was amended so that the advertisement proposed for the southern elevation, Sign 5, would be non-illuminated. Further, that sign and Sign 3, the furthest to the south on the western elevation were reduced in size. I have considered the appeal on the basis of these revised drawings.
3. The Council indicated that, had it been in a position to do so, it would have refused the application on the basis of what it considered to be a detrimental effect on the residential character of the immediate area.
4. Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Advertisement Regulations) requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of

the development plan, in so far as they are material, and any other relevant factors.

Main Issue

5. The Council indicates that it has no objections in terms of public safety and I have no reason to disagree on this. Consequently, the main issue is the effect on interests of amenity.

Reasons

6. The proposal is to display six advertisements on a building which, at the time of my site visit, was under construction. However, the building form is largely complete, even if the cladding has yet to be finished. This allowed me to judge the effect on the building as well as the surrounding area and those living within and travelling through it.
7. While the Council and local residents consider that the locality is predominantly residential, I must disagree. The area of the appeal building together with the industrial estate to the rear and the fire station to the north provide a reasonably sized commercial enclave in this area. Further, Richmond Road, the A307, is well trafficked, lit, has wide verges, foot and cycleways and provides a marked travel corridor, more than would be expected in a purely residential area. A short distance to the north is a shopping parade. This gives, to my mind, the wider area a more mixed character.
8. The dwellings on the west side of Richmond Road in Brough Close are set slightly down and back from the road ensuring separation from the appeal site. The flats to the south at Grantham Court are closer, but the access road to the St George's Industrial Estate provides a clear distinction.
9. It seems to me that the three main advertisements on the front, western elevation, would relate well to the architecture of the building. There are three large solid areas between the glazing and the advertisements would be commensurate in size to these areas. Similarly, the two proposed advertisements on the north and south elevations would relate well to the design of the building. The final advertisement above the entrance would be smaller and would act as a marker appropriate to this architectural feature. Even taken together, I am satisfied that there would not be advertisement 'clutter' on the building.
10. In each case I am satisfied that there is sufficient distance between the proposed advertisements and the adjacent residential buildings so that they would not harm residential amenity. The non-illumination of the sign on the southern elevation facing Grantham Court takes cognisance of the closer proximity of that residential use to ensure amenity, including living conditions, would not be harmed.
11. The Council suggests that not all the advertisements are necessary. However, the national Planning Practice Guidance at Reference ID: 18b-026-20140306 makes clear that consent cannot be refused because a sign is considered unnecessary.
12. Consequently, I am satisfied that the proposed advertisements would not harm amenity. Insofar as it is relevant the proposal would comply with Policy D3 of the London Plan and Policy DM10 of the Core Strategy which indicate against

advertisements that would be visually intrusive or result in an adverse effect on character and visual amenity of an area.

Other Matter

13. Local residents have expressed concerns about the potential effect of illumination on bats in the area as a protected species. However, as discussed below the illumination would be restricted to between 0700 hours and 1900 hours. This will only make a material difference to the amount of light in the area during the later autumn and winter months, when bats are less active. I am therefore satisfied that the illumination would not have an adverse effect on bats.

Conditions

14. The Council has suggested two conditions in addition to the Standard Conditions for advertisements set out in the Advertisement Regulations. One deals with the hours of illumination as set out in the application. As consultation has not taken place on greater hours, which may have led to different concerns, in the interests of amenity I am content for this to be so restricted.
15. The second deals with the intensity of illumination for the illuminated advertisements with the Council suggesting a level no greater than 100 candelas per square metre (cd/m^2), and the appellant requesting 300 cd/m^2 .
16. The only evidence I have been provided on luminance of advertisements has come from the appellants who submitted information from the Institution of Lighting Professionals. Given this evidence, and the size of the signs, I consider that the 300 cd/m^2 level is appropriate and in order to ensure amenity a condition to this effect is necessary.

Conclusion

17. For the reasons given above I conclude that the display of the advertisements would not be detrimental to the interests of amenity and therefore the appeal should be allowed.

RJ Jackson

INSPECTOR