



Appeal Decision

Site visit made on 15 March 2022

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2022

Appeal Ref: APP/A5270/Z/21/3285011
69, The Broadway, Greenford, UB6 9PN

- 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 Guy Goodyear, Emerald Outdoor Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 215200ADV, dated 11 August 2021, was refused by notice dated 5 October 2021.
 - The advertisement proposed is the replacement of existing 48 sheet advertising billboard with digital 48 sheet billboard.
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Decision

1. The appeal is dismissed.

Main issue

2. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) states that decisions on advertisements should be confined to issues of amenity and public safety. No issues have been raised in respect of public safety or aural amenity and I see no reason to come to a different conclusion.
3. The main issue is therefore the effect of the proposal on the visual amenity of the area.

Reasons

4. No 69 is at the end of a shopping parade on a busy, tree lined high street called The Broadway. The town hall is opposite the site and the local primary school immediately behind, beyond which are large housing estates. The existing paper billboard is on the side of the building, facing Mansell Road. The proposed digital advertisement would be the same size with a marginally larger frame.
5. It is not in dispute that the upper storeys of the host parade and that opposite are for residential accommodation. The billboard is therefore immediately adjacent to residential windows on the host building and comprises a significant part of the outlook from the building opposite.
6. Advertisements would change every 10 seconds. This changing backdrop of different images and lighting would be experienced when looking out of the nearby residential accommodation. This would cause the billboard to be intrusive when viewed from any of these properties, especially after dark prior

- to being switched off at 11 pm. This would be to the detriment of visual amenity, and I consider that this would be to a harmful extent.
7. The area surrounding the appeal site has the character of an administrative and retail centre of a busy, local community. Local advertising is generally at ground level, on a small scale and not lit during the day. A high level, large, illuminated billboard would be discordant because such a structure is more typically associated with larger scale commercial areas. It would be visually intrusive in this context and would harm the character of The Broadway.
 8. Residents travelling past the billboard along Mansell Road would be highly aware of large, changing, brightly coloured digital pictures at a high elevation, particularly after dark. This would be harmful because it would introduce development of a visually commercial character where the area transitions from low level retail to residential.
 9. The appellant suggests that considerable weight should be attached to the existing advertisement because it already forms part of the character of the area. The Council disputes this, stating that the sign was removed from at least 2016 and 2019, referring to enforcement records as potential evidence of this.
 10. If the billboard has been present for a long period, the fact that it is not back lit, and the image is static makes it a very different prospect to that currently proposed for the reasons above. Even if it was agreed that a billboard at this location was long established, this factor would attract only minor weight.
 11. I note the appellant's assertion that deemed consent should apply. Notwithstanding that the Council disputes this and no evidence to the contrary has been provided, as the appeal follows an application for express consent, I am determining it on that basis.
 12. I have taken into consideration policies 7A, 7.4 and 7B of the Ealing Development Management DPD (2013), and policies D4 and D8 of the London Plan (2021) which seek to protect amenity and local character, and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Conclusion

13. The advertisement would cause harm to the visual amenity of the area. For this reason, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR