



Appeal Decision

Site visit made on 26 July 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2022

Appeal Ref: APP/R5510/Z/22/3300127

15-17 Uxbridge Road, Hayes, Middlesex UB4 0JH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 69827/ADV/2022/13, dated 7 February 2022, was refused by notice dated 4 April 2022.
 - The advertisement proposed is installation of 2no internally illuminated digital poster 48-sheet displays.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 2no internally illuminated digital poster 48-sheet displays 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 intensity of the luminance of the advertisement hereby permitted shall be no greater than 3000 cd/sqm during the period between sunrise and sunset and shall be no greater than 300 cd/sqm during the period between sunset and sunrise. The advertisement shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness in accordance with the specified luminance levels.
 - 2) The advertisement hereby permitted shall display static images only and shall not feature any flashing, moving or apparently moving images of any kind. The images displayed shall not change more frequently than once every 10 seconds, and the interval between successive displays shall be instantaneous (0.1 seconds or less).
 - 3) The advertisement hereby permitted shall be switched off between the hours of 2300 and 0500.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the area.

Reasons

3. The appeal proposes 2 digital poster displays in a 'V-shape' adjacent to the A4020 Uxbridge Road. Each display would have an area of around 18sqm

across a landscape profile, and would be internally illuminated showing a rotation of static images that would change once every 10 seconds.

4. I agree with the Council that the advertisement would be readily visible, with the 'V-shape' arrangement presenting large displays that would be clearly seen on the approaches towards the site along Uxbridge Road in either direction. However, the fact that the advertisement would be visible is not in itself an indication of harm.
5. While there are dwellings opposite, the site sits between a hotel and retail park on a busy stretch of Uxbridge Road which is predominantly commercial in character with buildings of typically large size. There are no other similarly large and internally illuminated advertisements in the vicinity of the site, but signage of a range of scales and types, both freestanding and on buildings, is nevertheless plainly apparent. The Council suggests that other signage, commercial premises and hoardings are set back and more discreet in terms of their visual appearance. However, I saw a number nearby in broadly similar proximity to the highway, including an advertisement hoarding board close to 1-3 Uxbridge Road; a totem sign at the entrance to the Bridge Retail Park; and a raised post sign to the front of Unit 8 Bridge Retail Park which were all of relatively large size and noticeable in street scene views.
6. I accept that the overall scale of the proposed advertisement with 2 display panels would be larger than the majority of these examples, and that it would also be illuminated. Be that as it may, generally only one of the displays would be visible to observers at any time, and given the context above, I do not consider that it would appear as an exceptional or alien feature. In addition, the appellant proposes that the illumination would be switched off between the hours of 2300 and 0500, so it would not be illuminated at times when background light levels would be likely to be lowest. At other times, noting the presence of streetlighting and the character of the area and subject to controls on illumination to accord with the recommendations of the Institute of Lighting Professionals¹ which could be secured by condition, I do not consider that the illumination would be inappropriate or unacceptably prominent in this street scene.
7. Moreover, despite its position to the corner of a site that is currently largely open, albeit enclosed by timber hoarding, the advertisement would be seen in the majority of views against backdrops of the high rise Hyatt Place hotel or the neighbouring Bridge Retail Park unit which is of large footprint and considerable overall size. Against the substantial proportions of these buildings, I find that the large scale of the advertisement would not appear excessive or unduly dominant in its surroundings.
8. There would be some views of the advertisement together with existing signage in the area, but this would not be uncharacteristic or unusual on a busy road such as this. I am also satisfied that there would be sufficient separation between the advertisement and others nearby to avoid unwelcome visual clutter.
9. Given these factors, I find that while the advertisement would be widely visible, particularly when illuminated, it would sit acceptably within the street scene

¹ Professional Lighting Guide 05: The Brightness of Illuminated Advertisements

and would not be incongruous or visually obtrusive in this location so as to detract from the character or appearance of the area.

10. For these reasons, I conclude that the proposal would not cause harm to amenity. I have taken into account Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies 2012 and Policies DMHB 11 and DMHB 13A of the Hillingdon Local Plan: Part 2 - Development Management Policies 2020. These policies together broadly seek to protect amenity, and include requirements for a high quality of design in the public realm that is appropriate to its context, and for advertisements that complement the visual amenity and character of a site and area and do not lead to visual clutter, and so are material in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Other Matters

11. The Council has not raised concerns that the proposal would harm public safety. While I have noted representations referring to potential for distraction to drivers, the Council's Highways Officer notes that this type of signage is found at a number of locations and indicates that it would not justify a highways objection. Subject to conditions to control the illumination, frequency and duration of transitions between images and to preclude flashing, moving or apparently moving images which the Planning Practice Guidance indicates could be causes of distraction to drivers, I see no firm reason to take a different view, and I am satisfied that there would not be unacceptable harm to public safety.

Conditions

12. The Council has not suggested any conditions additional to those set out in Schedule 2 of the Regulations.
13. However, I have imposed conditions proposed by the appellant to control the level and hours of illuminance, the type of images shown and the duration of the transition between images which I have found above would be necessary in the interests of amenity and public safety. I have however amended the suggested conditions in the interests of precision and to avoid duplication.

Conclusion

14. For the reasons given above, I find that the proposal would not harm amenity, and I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR