



Appeal Decision

Site visit made on 21 June 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th July 2022

Appeal Ref: APP/Z5630/Z/22/3290459

The Cap in Hand PH, 174 Hook Rise North, Tolworth, Surbiton, KT6 5DE

- 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 Ms Laura Scholes on behalf of Blow Up Media UK Ltd against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/03452/ADV, dated 27 October 2021, was refused by notice dated 6 January 2022.
 - The advertisement proposed is for the display of a temporary decorative scaffold shroud screen comprising a 1:1 image of the building façade with an inset advertising and information area measuring 20M X 6M with external illumination.
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Decision

1. The appeal is allowed and express consent is granted for the display of a temporary decorative scaffold shroud screen comprising a 1:1 image of the building façade with an inset advertising and information area measuring 20M X 6M with external illumination as applied for. The consent is subject to the five standard conditions set out in the Regulations and the additional conditions attached to this decision.

Main Issue

2. The main issue is the effect of the scheme on the character and appearance of the surrounding area.

Reasons

3. The Appeal site is located in a mixed and busy urban area. It occupies a prominent position on the north side of the A3 Hook Road underpass, the A309 Kingston bypass and adjacent to the Hook Road junction. This highway infrastructure and associated signage and street lighting dominates the immediate setting and frontage of the appeal site.
4. To the west of the appeal site is a long narrow carpark and to the east is a commercial building, where a large illuminated advertisement is displayed at first floor level. To the north of the appeal site are the rear gardens to the housing which fronts onto Haycroft Road. Further to the east beyond Hook Road is a petrol filling station with associated signage, with commercial and educational buildings around it.

5. On the south side of the A3, opposite the appeal site are the rear gardens to the dwellings fronting Kelvin Grove, which are largely screened from the A3 by a tall wall and soft planting. Finally, to the southeast of the Hook Road junction is a parade of shops which occupy an elevated position fronting Hook Rise South. Beyond these developments are large areas of residential development and a short distance to the west of the appeal site is an area of open countryside.
6. The Cap in Hand Public House is prominent in views when approaching the Hook Road Junction from the south (A243) and its western side elevation is clearly visible when approaching from the west from both the A3 and the A309 Kinston bypass. In the immediate vicinity of the appeal site the front of the public house is clearly visible from the Hook Rad junction and associated slip roads, as well as the fronts of the parade of shops.
7. The proposed temporary scaffold shroud screen would be located to the front of the public house and would show an exact 1:1 size copy of the public house behind it, set against a pale sky blue background. Within the main two storey part of the image of the public house would be a 6 metre x 20 metre inset advertising area for the display of temporary advertisements which would be changed every two weeks. The inset advertising area would be illuminated by 7 external lights at 3 metre intervals. These lights would be positioned just above the advertising area, the bottom of which would be sited a short distance above the 2.4 metre high hoarding along the site's frontage.
8. Together and amongst other things policies CS8 and DM10 of the London Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (LDF) state that the Council will protect the primarily suburban character of the Borough from inappropriate development. Development should incorporate principles of good design; relate well and connect to its surroundings and have regard to the public realm.
9. The National Planning Policy Framework (the Framework), states that poorly placed advertisements can have a negative impact on the character and appearance of the built environment. The Planning Practice Guidance (PPG) explains that amenity is usually understood to include the visual amenity of the immediate neighbourhood of an advertisement. It also advises that where buildings are being renovated or are undergoing major structural works and which have scaffolding or netting around them, they may be considered suitable for temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face of the building.
10. The Cap in Hand PH is a prominent, imposing and attractive building in the immediate area. However, currently the building is vacant and is clearly in need of extensive external repairs and refurbishment, which detracts from its condition and appearance. The degraded appearance of the property is exacerbated by the unsightly hoardings along its frontage. The repair and refurbishment works would require scaffolding and the retention of hoardings around the site, which would be utilitarian and unattractive. Although temporary, they would nonetheless have a materially degrading impact on The Cap in Hand PH and its setting.
11. The proposed temporary scaffold shroud screen would be largely contained within the existing busy urban area around the Hook Road junction, where the setting of the public house is dominated by traffic infrastructure, commercial

buildings and associated signage/advertisements. The proposed temporary scaffold shroud screen would itself be visually uncluttered and would show an image of the public house. It would hide the restoration work activities, machinery and associated scaffolding and help contain associated dust and noise.

12. The advertisements displayed would be routinely changed, which would add interest to the flat elevation created by the shroud screen and it would be maintained in a condition that does not impair the visual amenity of the area. In addition, the appellant has stated that the existing hoardings would be replaced. Whilst no details for this have been submitted, as stated by the council this is a matter that can be satisfactorily dealt with by condition.
13. For these reasons, as a temporary 12 month decorative scaffold shroud screen an associated advertisement area during the period when scaffolding is required for repair and renovation works, I find that the proposal would improve the character and appearance of the street scene. It would not, either on its own or together with other nearby signage, have a harmful impact on the character and appearance of the site, its immediate setting, or the wider suburban residential area.
14. In reaching this conclusion, I am mindful that the Cup in Hand PH is a prominent and attractive local building. As such, once the necessary restoration and repairs have been undertaken the shroud screen should be removed so that the building can continue to make a positive contribution to the character and appearance of the surrounding area.
15. As stated by the appellant this is something that can be satisfactorily dealt with by imposing strict time limit conditions which allow the advertisement to be displayed for a maximum of 12 months starting within six months of the date of any consent granted. The appellant has also suggested the imposition of a condition which requires the inset advertising area only to be used at the same time as the 1:1 image of the public house. These conditions are necessary to protect the character and appearance of the appeal site and the surrounding area.
16. With regard to public safety, I note that the Council has raised no highway safety objections providing the proposed external illumination is directed towards the building and not the public highway.
17. In addition to the standard conditions required by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the council has suggested the imposition of conditions relating to external lighting and intensity of illumination and the submission of a construction management plan. These conditions are all necessary in the interests of highway and public safety and to protect the amenity of the area, although the wording of some of the suggested conditions has been amended slightly for reasons of precision and consistency. Neither the council nor the appellant have raised any objections to the proposed changes.
18. Whilst it is acknowledged that there is a need for every advertisement, the regulations stipulate that only amenity and public safety arguments can be considered. The economic arguments put forward by the Appellant are not related to the amenity of the advertisement itself and so are not material to this decision.

19. I conclude that the proposed temporary decorative scaffold shroud screen and externally illuminated inset advertising area would not harm the character and appearance of the area. It would comply with the Framework and LDF Policies CS8 and DM10, in so far as they are material to the proposal.

Elizabeth Lawrence

INSPECTOR

Conditions schedule:

- 1) The consent hereby granted shall begin on the date of the commencement of the display or six months from the date of this decision whichever is the earlier.
- 2) The scaffold shroud screen and inset advertising area shall be permanently removed after 12 months, or on completion of the building works to the premises if earlier.
- 3) The inset advertising area shall not exceed 20m x 6m and shall only be displayed at the same time as the 1:1 image.
- 4) The external lighting above the inset advertising area hereby granted consent shall be angled so as to prevent any spillage or glare beyond the site's boundaries.
- 5) The intensity of the illumination of the inset advertising area hereby granted consent shall be no greater than 300 cd/m.
- 6) No development shall take place (including any works of demolition) until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) How the proposed development will be built;
 - ii) Hours of working (which shall be limited to 08.00 to 18.00 Mondays to Fridays and between 08.00 to 13.00 on Saturdays and not at all on Bank Holidays and Sundays);
 - iii) The procedure for loading/unloading materials;
 - iv) The route to and away from the site for muck away and vehicles with materials;
 - v) The protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;
 - vi) The protocol for managing vehicles that need to wait for access to the site;
 - vii) Whether any reversing manoeuvres are required onto or off the public highway into the site and whether a banksman will be provided;
 - viii) Temporary site access;

- ix) Signing system for works traffic;
- x) Whether site access warning signs will be required in adjacent roads;
- xi) Whether it is anticipated that statutory undertaker connections will be required into the site;
- xii) The storage of plant, materials and operatives vehicles;
- xiii) The potential for impacts from dust and emissions during the demolition and/or construction phase upon local air quality and surrounding residents;
- xiv) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
- xv) The location of all ancillary site buildings;
- xvi) The means of enclosure of the site, its erection and maintenance;
- xvii) Wheel washing equipment;
- xviii) The parking of vehicles of site operatives and visitors;
- xix) Meeting the requirements of the Low Emission Zone for Non-Road Mobile Machinery (where relevant plant or vehicles are being used); and
- xx) The method of recycling and disposing of waste resulting from the demolition and/or construction phases.

Deliveries/collections to and from the site shall use a route that is agreed in writing with the highway authority and the agreed route shall be signed accordingly.