



Appeal Decision

Site visit made on 15 July 2022 by S. Wilson LLB, MSc, LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/F5540/Z/22/3297666

Bullsbridge Industrial Estate, The Coach Depot, Hayes Road, Southall, UB2 5NB

- 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 Ben Porte (Clear Channel UK Ltd) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00580/T/AD1, dated 03 February 2022, was refused by notice dated 29 March 2022.
 - The proposal is described as 'Installation of two internally illuminated digital 48-sheet poster displays- Illumination to comply with Institute of Lighting Professionals' PLG05 (see planning statement)- Frequency of images to be no greater than once every ten seconds No moving images, video or flashing lights to be displayed.'
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any relevant factors. In my determination of this appeal, the policies cited by the Council have not therefore, by themselves, been decisive.

Main Issue

4. The Council has raised no objection in respect of amenity, and I observed nothing which would lead me to dispute this conclusion, subject to the suggested controls on luminance and display. Accordingly, the main issue is the effect of the proposed advertisement on public safety, with particular regard to highway safety.

Reasons for the Recommendation

5. The appeal site is located within Dhillon of London Coach Depot on the northern side of Hayes Road. The site itself is currently laid to hardstanding with some low-level buildings relating to the function of the site and has high fencing around. Several large poster advertisements that were previously located at this corner of the junction have been removed. The surrounding area is in commercial use. A very large and distinctive yellow structure has now been built to the east of the appeal site which serves a self-storage business. There is a vehicular access, serving this and other businesses, approximately 40 metres from the appeal site.
6. The Planning Practice Guidance identifies that there are less likely to be road safety problems if an advertisement is in a commercial or industrial locality, but also highlights that those at points where drivers need to take more care are more likely to affect public safety.
7. The appeal site is positioned on the corner of a busy signalised junction that accommodates 4 lanes of traffic on its main east-west arms and 2-4 lanes on its minor north-south arms. There are two right turn pockets within the junction. There are footways on both sides of all four arms of the road and there are signalised pedestrian crossings on two of the arms. There are double yellow lines on all four arms and a yellow box in the centre of the crossroads on the west carriageway. The junction therefore presents multiple demands for the concentration of drivers and other road users. Due to the various features, it is an area where there is relatively high cognitive demand where drivers need to take more care.
8. The road at this location is level and straight and traffic speeds are relatively slow, so the proposed advertisements would be visible from some distance. However, at the time of my visit the junction was busy, and on several occasions I observed drivers reacting to a horn being sounded after a traffic signal had changed, accelerating hard and then braking hard as they caught the traffic ahead. This had a concertina effect and built traffic back through the east-west arm of the junction and led to further hard braking.
9. Travelling east approaching the junction, the proposed west facing advertisement would be seen close to the easterly carriageway traffic signal head and at a similar height. It would also be seen against the backdrop of the self-storage building and its high-level advertisements on the facing elevation. This would result in an additional distraction for road users at a location where there are multiple cognitive demands. Furthermore, it would reduce the clarity of the traffic signal.
10. It is proposed that the luminance of the advertisements would be limited, particularly at night, and that the nature and speed of change of the displays would also be controlled. These matters could be secured by conditions. Nevertheless, even with these controls in place, due to its size and siting, the proposed west facing advertisement would increase the potential for a road user to miss or confuse a traffic signal or fail to recognise a stopped or slowed vehicle in the flow of traffic through momentary distraction. If drivers were to miss or react late to their signal, this would create potential for conflict with pedestrians using the various crossings. Accordingly, distraction of drivers would also put pedestrian safety at risk. This advertisement would therefore

result in an unacceptable risk of conflict between road users and therefore to highway safety.

11. That harm could not be adequately mitigated by the suggested conditions in relation to degree of luminance and the nature of the display. Switching the advertisement off between the hours of 23:00 to 05:00 would mitigate the confusion and distraction to road users between the specified hours. However, the harm would remain at all other times and therefore, this condition would not make this proposal acceptable.
12. The accident data provided shows that there have been numerous accidents in this stretch of road during the period July 2016 to October 2020, several of which were at or close to this junction. The type of incident suggests that many of these occurred from vehicles colliding, and there was also an incident involving a vehicle and a cyclist. The data does not record the cause of the incidents; however, the number and nature of the incidents demonstrates the difficulty that road users experience when navigating the multiple cognitive demands at this site. Therefore, even if the previous signage was not implicated in these incidents, introducing a further element of confusion and distraction would worsen the existing situation where potential conflict and hazards to public safety already exist.
13. Travelling west, the other proposed advertisement would be seen on the opposite side of the road by drivers and would not be seen directly with any signal heads. Therefore, while it might draw attention for a short time it is unlikely to cause undue distraction. Travelling north, the angle of the proposed advertisements would mean little of the display would be visible, therefore although they would be seen close to the signal head for those turning right, they are unlikely to cause a distraction. Travelling south the advertisements would be at an acute angle overhead so would not result in material harm to public safety. Nevertheless, this does not justify the harm identified above.
14. In conclusion, the proposed west facing advertisement would result in unacceptable harm to highway safety, and thereby to public safety.
15. I have considered Policy D8 of the London Plan (2021) and Policies CC5, EC2 of the London Borough of Hounslow Local Plan Volume 1 (adopted September 2015), insofar as they relate to public safety. Given I have concluded that the proposal would harm public safety the proposal conflicts with these policies. For the same reason, it would also conflict with the advertisement policies in the National Planning Policy Framework.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR