



Appeal Decision

Site visit made on 26 September 2022 by T Bennett BA (Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2022

Appeal Ref: APP/F5540/Z/22/3297945

Land at the Former New England Public House, Brook Lane North, Brentford, TW8 0QP

- 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 King Media Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01244/AB/AD9, dated 19 November 2021, was refused by notice dated 14 March 2022.
 - The advertisement proposed is for the erection of a double-sided LED display in portrait orientation (4m wide and 8m high) mounted on a supporting steel structure to face the east and west bound M4 and public realm improvements at street level.
-

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.

Procedural Matter

3. Two appeals have been submitted in relation to proposals for an advertisement at the appeal site. This appeal relates to a proposed two sided display and the other for a single sided display¹. Given that the appeals were submitted separately, I have put forward my recommendations in separate decision letters. There is clearly some commonality between those recommendations but each addresses the specific differences between the two proposals.

Application for costs

4. An application for costs was made by King Media Ltd against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.

Main Issue

5. The powers to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) may be exercised only in the interests of amenity and public safety, taking account of any material factors including development plan policies as a material

¹ Appeal reference APP/F5540/Z/22/3297947

consideration. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach.

6. The Council has raised no concerns regarding public safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

7. The appeal site is located at the junction of Brook Road North and the A4 Great West Road on land at the former New England Public House. The elevated section of the M4 motorway runs adjacent to the site above the A4 and to the east of the appeal site is the vacant Alfa Laval site with planning permission for a multi-storey car showroom. Immediately south of the appeal site is a new residential block of varying height.
8. Advertisements are a characteristic feature of the locality. On the opposite side of the A4 from the appeal site, small scale fascia signage is visible and totem signage can be seen to the east. These are generally related to the use of the premises on which they are sited. A prominent shroud with a large advertisement covers the former Alfa Laval site opposite the appeal site, however I am aware that this only has temporary consent. Furthermore, a large number of high level freestanding digital advertisements are visible when driving along both directions of the M4 in the vicinity of the appeal site. When viewed from the M4 the proposal would not look out of place in that context.
9. However, whilst the elevated section of the M4 does provide some context for the tall height of the proposal, the supporting structure and double-sided advertisement would be located at a juncture where dominant commercial development to the east gives way to more modestly sized residential development to the south, west and on the opposite side of the A4 at this prominent location. Thus, at street level, below the raised motorway, the character is more intimate.
10. When viewed from the A4 and Brook Lane North on the approach to the A4, the supporting steel pylon would be highly visible to both road users and pedestrians, unduly drawing the eye up to the digital advertisements as a result of the combined height of the supporting structure and digital displays. It would tower above the adjacent residential block of flats in order to facilitate viewing on the east and west bound M4 motorway. It would appear stark and dominant against this residential building and the backdrop of more traditional residential properties, contrasting in scale, size and appearance, detrimentally adding to the already dominant impact of the elevated flyover, resulting in an adverse effect on the visual amenity of the area.
11. Whilst direct views of the supporting structure would be visible from the windows of the adjacent residential block, I am mindful that these are secondary windows. Furthermore, the digital screens would not be directed towards the surrounding residential properties and the accompanying visual analysis from properties on York Road demonstrates there would be very limited light spill which would be reduced further with the addition of a hood. Accordingly, I am satisfied that there would not be an adverse impact on the amenity of nearby residential units as a consequence of light pollution resulting from the illuminated advertisement. However, this does not outweigh the harm I have already identified.

12. I have carefully considered the Appellant's examples of other advertisements along the M4 close to the appeal site and I observed these when I drove east and west bound along this section of the motorway as outlined in the Appellant's context analysis. However, whilst the presence of tall, free standing advertisement structures could be readily viewed, in my judgment, the majority of these were not located in such close proximity to residential settings as the proposal before me. The other examples, including the automotive showrooms, are not the same context as the proposal before me and I am not persuaded that they serve to justify the proposal.
13. I have taken into account the planning permission for the car showroom at the former Alfa Laval site and the digital billboard which forms part of that scheme. However, the digital screen is incorporated into the design of the building as a whole and not as a standalone structure. The screen would be set high within the building such that it would be read in the context of the M4. The lower floors would be free from large scale advertising and would relate to the surrounding context. The screen would also be set back from the elevation immediately opposite the residential block and would be partially screened by the proposed projecting lift tower on the western elevation from locations south of the appeal building. In contrast, the framework and structure associated with the appeal scheme would relate poorly to the residential context below the M4 and appear incongruous for the reasons set out above.
14. My attention has been drawn to a previous planning appeal². From reviewing the previous appeal, the Inspector dismissed the proposal on amenity grounds as a result of the prominent, dominant and discordant feature within a residential setting. Whilst I agree with the Appellant that the surrounding site context has changed since the previous appeal decision, I consider that the area is now even *more* residential, as since that decision the adjacent residential block has been constructed along with further apartments next to the former Alfa Laval site on Brook Lane North. Whilst the 5 storey residential block may be taller than the former public house, it retains a domestic appearance. The substantial scale and utilitarian appearance of the advert and its associated framework would contrast awkwardly against the residential appearance of the adjacent building and surrounding context. The Inspector's conclusions therefore only serve to strengthen my reasoning.
15. Whilst the public realm enhancements would be a visual improvement on the present situation, it would not outweigh the harm to visual amenity that I have identified on account of the unsympathetic scale and location of the proposal. Moreover, I am not convinced that the proposed landscaping would reduce the potential for anti-social behaviour as the site is already open in nature following the removal of the hoardings.
16. For the reasons outlined above the proposed double-sided digital advertisement and supporting structure would be detrimental to the visual amenity of the area. I have taken into account policies CC2 and CC5 of the Hounslow Local Plan (2015) which, amongst other matters seek to protect amenity and so whilst not decisive are a material consideration in this case. Given I have concluded that the proposal would harm amenity, the proposal would conflict with these policies.

² APP/F5540/H/11/2145169 (2011)

Conclusion and Recommendation

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

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR