
Appeal Decision

Site visit made on 29 November 2022

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 22 December 2022

Appeal Ref: APP/F5540/Z/22/3306213

London Road, Brentford, London TW8 8JW

- 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 Poster Property Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00707/CW/AD1, dated 11 May 2022, was refused by notice dated 11 July 2022.
 - The advertisement proposed is the erection of new digital poster display.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The main parties have referred to various planning policies as well as government guidance on advertisements. The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. As such, the planning policies cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.

Main issues

3. The main issues are the effect of the proposed advertisement on visual amenity and on public safety, with particular regard to highway safety.

Reasons

Visual amenity

4. The proposal is an internally illuminated LED display that would occupy an elevated position on a wall to one side of London Road close to its junction with Commerce Road. The area to which the site belongs is mixed in character with commercial and retail premises, a hotel, residential properties, street lighting and a variety of roadside advertisements all evident. The site also falls within the Grand Union Canal and Boston Manor Conservation Area (CA).
5. The proposal is, in effect, a 'like for like' replacement for the existing externally illuminated sign in the same position albeit modernised to include a digital display with a black frame showing static images changing at intervals of not less than 10 seconds and internally lit according to ambient conditions. A similar replacement digital display close to the site and facing London Road but in the opposite direction to the proposal, was recently approved by the Council. For brevity, I shall refer hereafter to this sign as the 'consented display'.

6. When seen on the approach to the site from the east, the proposal would appear as a substantial feature in the local street scene due to its size and elevated position. It would project above the general commercial aspects of the premises and roadside signs nearby. Consequently, the overall impact of the display of advertising material would be considerable. That advertisements on the new digital display would be clear and sharp in their detail and regularly change would also draw the eye from the road, thereby visually accentuating its prominence even within a street lit townscape.
7. For westbound users of London Road in particular, the proposed display would be particularly evident. From some distance along this highway, the new display would be highly conspicuous given its size, elevated position and the frequently changing displays. While the proposal would be the same size as the existing unit, the digital display would introduce frequently changing, crisper images compared to the sign that is in situ.
8. The illumination of the new sign could be controlled to be less bright than the level proposed as a maximum in the application, which could be covered by a condition. Nevertheless, the new advertisement would still visually dominate this stretch of highway even among commercial and retail units and a hotel with their associated signage nearby. For these reasons, the new advertisement would be unduly harmful to the visual amenity of the area. As a result, the character and appearance of the CA would fail to be preserved.
9. In reaching this conclusion, I note that the existing display has been in place for some time, and I have no reason to doubt the appellant's contention that it benefits from deemed consent. On that basis, I acknowledge that the existing display is likely to remain in place if this appeal were to be dismissed.
10. I also note that the consented display similarly falls within the CA. However, unlike the proposal which faces towards and would be clearly visible from the core of this heritage asset, the consented display faces away from much of the CA. As a result, the visual impact of the proposal on the significance of the CA as a heritage asset would be far greater than that of the consented display even though the area just in front of the site is outside the CA.

Highway safety

11. The Planning Practice Guidance (the Guidance) notes that advertisements at points where drivers need to take more care, for example at junctions and pedestrian crossings, are more likely to affect public safety. It also states that highway danger may arise due to internally illuminated signs that because of their colour could be mistaken for, or confused with, traffic lights; and those signs that are subject to frequent changes of the display. This does not mean that all such signs would therefore pose a safety hazard since individual proposals need to be assessed on their own merits. The Guidance adds that there are less likely to be road safety problems if the advertisement is not on the skyline or on a site within a commercial locality, as is the case here.
12. The new advertisement would primarily face westbound users of London Road and it would come into view on the immediate approach to Brentford Bridge. The highway at this point is reasonably straight and well-lit with good forward visibility. Furthermore, there is also nothing unusual or overly complex about the traffic light junction close to the site. The 3-way layout of this junction

follows a conventional arrangement with a righthand turning lane and signage that is clear.

13. Even so, during the mid-morning site visit, I saw that London Road and the junction itself were reasonably busy with a steady flow of traffic and a small number of pedestrians crossing the road when the traffic lights were on red. From these observations, and in the light of the evidence before me, I have little doubt that road users approaching and using the junction, require a high degree of attention and concentration to safely navigate it. That the appellant's Highway Safety Report (HSR) notes that 15 road accidents have occurred close to the site in the most recent 5 years, of which 3 incidents were classified as 'serious', reinforces this point.
14. For many west-bound drivers using London Road, the new advertisement would come into view and be seen behind the heads of the traffic signals on the approach to the junction. The HSR also appears to acknowledge that the proposal and the traffic signals would be within the same field of view of a driver at about 43m from the junction when approaching from the east.
15. The prominence of the new advertisement and the frequently changing display beyond and at a similar level to the heads of the traffic lights, would draw the eye, diverting the attention of road users even momentarily. A change in the colour of the image on the new advertisement from red to amber or green for instance could be glimpsed and misinterpreted by some drivers as a signal to move forward. That decision would be made at exactly at the point where pedestrians may well be crossing the carriageway, or a vehicle or cyclist is waiting to turn right into Commerce Road. Even though London Road is reasonably straight as it passes through the junction, full concentration on the road ahead is still required even from people that are familiar with local highway conditions and take reasonable care of their own and others' safety. Therefore, I am unable to share a key finding of the HSR that the proposal would not interact with the traffic signals on the approach to the junction.
16. From the evidence provided, none of the reported accidents close to the site that are referred to in the HSR can be directly attributed to the presence of the existing display. However, as the advertisement in situ shows static images it is less likely to prompt a driver to inadvertently move forward in the circumstances that I have described compared to the proposal.
17. The consented display would also be visible to road users traveling westward on the approach to the junction, albeit in the foreground to and some distance from the traffic lights. Therefore, I doubt that the potential risk of a driver approaching from this direction misinterpreting the colours shown for those of the traffic lights would be as great as that of the appeal scheme.
18. Overall, for the reasons given, the proposal would be unduly distracting to road users and pose a significant safety hazard even taking into account that roadside distractions can often form part of a driver's experience. As a result, it would be materially harmful to public safety.
19. In reaching this conclusion, I have had regard to the examples of recently approved advertisements to which the appellant has referred in the HSR. Although the cases cited relate to sites close to signalised junctions, from the information provided none involve circumstances that are the same or very similar to those of the proposal and so they are not directly comparable.

Therefore, I attach only limited weight to these cases. In any event, each proposal should be assessed on its own merits, as I have done.

20. The Council also raises concern that maintenance and construction vehicles may hinder traffic flows on the highway or the operation of the junction. To my mind, these arrangements could be considered as part of a method statement and covered by a condition if the proposal were acceptable in all other respects.
21. The appellant states that the proposal would require fewer visits to the site than the current display. It would also contribute to the local economy and reduce waste and energy consumption. Nevertheless, the proposal would be detrimental to the interests of amenity and public safety for the reasons given.

Conclusion

22. Overall, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR