The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/F5540/Z/22/3303900
Network House, Hounslow Road, Feltham, London TW14 9AD

- 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 Network Rail against the decision of the London Borough of Hounslow Council.
- The application Ref 00631/AA/AD1 dated 21 March 2022, was refused by notice dated 1 June 2022.
- The development proposed is installation of one 48 sheet digital LED advertisement display to replace existing and removal of one 48 sheet internally illuminated advertisement display.

Decision

1. The appeal is allowed and express consent is granted for installation of one 48 sheet digital LED advertisement display to replace existing and removal of one 48 sheet internally illuminated advertisement display. The express 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 advertisement will be utilised for static digital advertising only, in sequence, changing no more frequently than every 10 seconds via instant change;

    2) During periods of darkness, the display illumination will not exceed a maximum brightness of 300 cd/sq.m and during daylight hours shall not exceed a maximum brightness of 600 cd/sq.m.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon highway safety.

Reasons

4. The appeal proposal would result in the installation of an LED advertisement display as a replacement for one existing advertisement of similar scale as well removal of one internally illuminated display. There would, overall, be a net reduction of one advertising display with the existing advertisements displaying paper advertisements only. The proposal would result in the display of multiple static (i.e. not flashing or moving) advertisements on rotation with changes being no more frequent than ten seconds.

5. At the time of my site visit I note that the appeal site is in close proximity to a signalised junction and indeed I drove through the junction from all directions including north along the A244, towards the proposed signage, and was required to wait in traffic facing towards the appeal site as the third car back from the traffic lights. The proposed LED, as indicated in the submitted site location plan by the yellow line, would directly face oncoming road users approaching from this direction. Despite this I find that the proposal would be located on the far right away from the road edge and not in close proximity to, nor behind, the traffic light signals which are on the left of the road when approaching from this direction.

6. When approaching the junction from New Road, leaving Lidl Supermarket, there is a left hand turn lane and a right hand turn lane with two traffic signals for each lane respectively. From the left hand lane the right hand signal would be viewed within the general view of the proposal signage, however, the sign would not be facing road users directly from this direction and the signal is lower. In addition the left hand traffic light to the left hand lane I find would be free of any views of the proposal behind it providing clarity.

7. In the right hand turn lane users would essentially be facing 90 degrees away from the proposal when at the stop line in front of the crossing and, from this view, the right hand signal would be completely dissociated with the signage visually. I find that road users are in fact potentially more likely to mistake the middle signal, relating to the right hand lane, for that relating to the left hand land by comparison to the proposal in terms of distraction.

8. Whilst I note the comments of the Transport Manager as a consultee I have no evidence before me from the submissions, nor my site visit, that the proposal would lead to drivers mistaking a change in display colour to mean a change in the light signals which would be prejudicial to highway safety.

9. In addition to this I note that the sign can automatically be controlled in accordance with recommendations within the authority document addressing the brightness of illuminated advertisements, namely 'The Brightness of Illuminated Advertisements' PLG05, 2015 issued by the Institute of Lighting Professionals (or any subsequent industry guidance as amended). This would suitably control illumination during hours of darkness when, in terms of general visibility, the signage could be most notable by contrast. This, as noted by the appellant, can be controlled by condition.

10. Concern has been raised with regard to maintenance and construction vehicles for the proposal. At present the site would require changing of paper advertisements for two advertisement boards on site without control over any vehicles attending site to undertake this work. As part of the proposal one of these paper advertisements would be removed leaving only the LED proposal which would be updated remotely. I have no evidence to support that a single LED advertisement would need any more maintenance or visits, comparably, to the regular changing of two sets of paper advertisements as existing.

11. Evidently there would be a requirement for construction vehicles at the point the existing boards are removed and the proposal is erected but this is not a reason to justify refusal given the short term nature of this compared to the lifetime of the development. Furthermore any requirement for road closures or traffic signalling to accommodate this would be subject to the necessary licences from the Highway Authority. I have no evidence that construction

would impact upon the A244 or junction unacceptably to an extent which would warrant refusal.

12. Overall I do not find the proposal would be prejudicial to highway safety and the proposal would be consistent with London Borough of Hounslow Local Plan 2015 – 2030 (LP) Policy CC5 which seeks to focus advertisements in areas of commercial activity, resist adverts that will cause severe harm in terms of public safety and ensure that the advertisement and associated infrastructure does not adversely impact on pedestrian and vehicle movement and safety.

Other Matters

13. The Council's refusal reason references LP Policy EC2, however, whilst referenced in the report in the concluding remarks the policy is not noted in the Local Plan relevant policies list. Furthermore the policy seeks to develop opportunities for walking, cycling and using public transport. In the absence of assessment against the policy in the Council's submission I find LP Policy EC2 to be of limited relevant to advertisements.

Conditions

14. The Council have suggested the five standard conditions set out within Schedule 2 of the regulations which are given for permissions of this nature. The appellant has suggested a number of conditions which, given the specific nature of that which has been assessed in this appeal, I find would be appropriate to apply to maintain control over that which is granted as to ensure any changes to this can be considered on their own merits in the future to ensure they are appropriate in the circumstances.

15. I have applied a condition confirming that the proposal can only be utilised for static digital advertising only, as applied for, in order to ensure there is no impact upon public safety as a result of moving or flashing images. I have also conditioned that changes between adverts are to take place instantly and no more frequently than ten seconds for the same reason.

16. I have applied a condition restricting illumination levels to ensure no inappropriate impact upon the area. This will also ensure the proposal is managed in accordance with recommendations within the authority document addressing the brightness of illuminated advertisements, namely 'The Brightness of Illuminated Advertisements' PLG05, 2015 issued by the Institute of Lighting Professionals (or any subsequent industry guidance as amended).

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR