

Appeal Decision

Site visit made on 12 May 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal A Ref: APP/L5810/Z/22/3312441

Addison Court, 15 Heath Road, Twickenham, TW1 4AG

- 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 against the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/2096/ADV, dated 1 July 2022, was refused by notice dated 15 November 2022.
 - The proposed advertisement is described as display of temporary decorative scaffold shroud wrap advertisement measuring 6 metres x 15.6 metres inset within a 1:1 image of the building façade.
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Appeal B Ref: APP/L5810/Z/23/3315990

Addison Court, 15 Heath Road, Twickenham, TW1 4AG

- 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 against the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/3625/ADV, dated 7 December 2022, was refused by notice dated 2 February 2023.
 - The proposed advertisement is described as temporary decorative scaffold shroud wrap advertisement measuring 6 metres x 8 metres inset within a 1:1 image of the building façade.
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Decisions

Appeal A Ref: APP/L5810/Z/22/3312441

1. The appeal is allowed and consent is granted for the display of temporary decorative scaffold shroud wrap advertisement measuring 6 metres x 15.6 metres inset within a 1:1 image of the building façade. The consent is subject to the five standard conditions set out in Schedule 2 of the Regulations and to the following additional conditions:

1). No part of the shroud façade and advertisement banner hereby permitted shall be illuminated.

2). The shroud façade and advertisement banner hereby permitted shall not be displayed until all scaffolding is in place and shall be removed when the scaffold is removed or within 12 months of the façade and advertisement banner's initial display, whichever is the sooner.

Appeal B Ref: APP/L5810/Z/23/3315990

2. The appeal is allowed and consent is granted for the display of temporary decorative scaffold shroud wrap advertisement measuring 6 metres x 8 metres inset within a 1:1 image of the building façade. The consent is subject to the five standard conditions set out in Schedule 2 of the Regulations and to the following additional conditions:

1). No part of the shroud façade and advertisement banner hereby permitted shall be illuminated.

2). The shroud façade and advertisement banner hereby permitted shall not be displayed until all scaffolding is in place and shall be removed when the scaffold is removed or within 12 months of the façade and advertisement banner's initial display, whichever is the sooner.

Preliminary matters

3. External building works are due to be carried out to the appeal property for which scaffolding will become necessary for access and health and safety reasons. The appellant proposes screening the scaffold with what is described as a shroud for the duration of the works, estimated to last for around 9 months.
4. This will have imprinted upon it a coloured life-sized image of the building's façade and an inset would be provided in the shroud for advertising. The inset proposed in Appeal A is larger than that in Appeal B. External illumination is intended in both displays. However, the appellant has confirmed that this illumination is optional in both cases.
5. Reference has been made to the *National Planning Policy Framework*. Its guidance underlines the fact that the powers under the current Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this context, the development plan policies referred to have been treated as material considerations.
6. The Council raises no concerns with regard to public safety but is concerned with amenity. I have no reason to disagree with the Council's stance in respect of public safety.
7. The appeal site is located close to the boundaries of two conservation areas (CAs) and several nationally and locally listed buildings. I am required to consider the effect of the two proposed displays on the setting of these heritage assets.

Main issue

8. The main issue in both appeals is the effect of the proposed advertisements on the amenity of the locality, including that of local residents, particularly those resident within the appeal property.

Reasons

9. I shall deal initially with Appeal A. I share the Council's view that because of its prominent location at a busy road junction within a town centre, the shroud and advertisements would be prominent at a fairly high level. However, for the same reasons, so would the scaffold when erected.

10. I am mindful of national guidance¹ which says:

Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building.

11. I consider that the appearance of a shroud of the type proposed for a temporary period, albeit inset with advertisements, would be preferable to the rather crude and utilitarian appearance of scaffolding, the type of which I saw on another building site in another part of the centre. I take the view that it would have less of a damaging effect on the street scene and the setting of the nearby heritage assets including the CAs.

12. Moreover, the display would be of a temporary and relatively short duration, and would not look out of place in this town centre location for a limited period.

13. The officer report on the application contains the following statement in relation to concerns raised by residents of some of the flats comprised within Addison Court:

The applicant has confirmed that the scaffolding wrap will be no less transparent than the usual shroud wrap. Therefore this is acceptable and would not result in an increase in loss of light or outlook above the normal scaffolding required for the works.

14. I have no reason to doubt that this would be the case, and that the residents of the flats would be no more affected than would be the case if the scaffold was wrapped with a mesh, as is normal practice, for safety reasons.

15. However, the close proximity of the flats is such that I consider that the illumination of the proposed advertisements, on the basis of the limited information available, would likely cause harm to the flats' residents by reason of nuisance caused by light pollution.

16. I conclude that this temporary advertisement, if unilluminated, would not harm the amenity of the locality or the setting of the nearby heritage assets or the CAs. Accordingly, Appeal A succeeds.

17. It logically follows, given that the advertisement inset to be inserted in the shroud is smaller in the Appeal B proposal, that this appeal also succeeds.

18. Both consents are subject to the standard conditions. Having regard to the nature of the advertisements, additional conditions are necessary.

19. Conditions are imposed to reflect the temporary nature of the consent and to clarify the permitted duration of the display. In this respect, to allow for possible contract slippages, a period of a maximum 12 month display is

¹ Paragraph 005 Planning Practice Guidance: Advertisements

permitted. A condition is imposed, in the interests of protecting residential amenity, to prevent the illumination of the display.

20. All other matters raised in the representations have been considered but none outweighs the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR