



Appeal Decisions

Site visit made on 13 June 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 JUNE 2023

Appeal A Ref: APP/Z5630/Z/22/3313215

Lidl Uk Gmbh, 64 Gordon Road, KINGSTON UPON THAMES, KT2 6FN.

- 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 Lidl Great Britain against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 22/02838/ADV, dated 1 September 2022, was refused by notice dated 24 November 2022.
 - The advertisement proposed is 1 no. externally illuminated billboard sign.
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Appeal B Ref: APP/Z5630/Z/22/3313248

Lidl Uk Gmbh, 64 Gordon Road, KINGSTON UPON THAMES, KT2 6FN.

- 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 Lidl Great Britain against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 22/02839/ADV, dated 1 September 2022, was refused by notice dated 24 November 2022.
 - The advertisement proposed is 2 no. externally illuminated billboard signs.
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Decisions

Appeal A Ref: APP/Z5630/Z/22/3313215

1. The appeal is allowed and express consent is granted for the display of the 1 no. externally-illuminated billboard. The 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 additional condition set out in the attached Schedule.

Appeal B Ref: APP/Z5630/Z/22/3313248

2. The appeal is allowed and express consent is granted for the display of the 2 no. externally-illuminated billboards. The 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 additional condition set out in the attached Schedule.

Preliminary Matters

3. The appellant has clarified that in both Appeals there was a minor error in the application form in referring to the billboards as being internally lit whereas

they are proposed to be externally lit by LED downlighting and I have considered the proposals on this basis.

4. I have also used the now official address for the retail store site including its postcode.

Main Issues

5. The main issue in both appeals is the effect of the proposed billboard sign(s) on the amenity of the local area. There is no issue of public safety.

Reasons

Background

6. The appeal site comprises a relatively new retail store which is situated in an area with a mix of commercial and residential uses. To the north of the main building is an access road (Gordon Road) to the rear carpark where the main entrance to the store is located. To the north of the access lies a commercial self-storage building with residential flats and the east elevation of the store faces the more public realm of London Road (A308) across a narrow, landscaped area of grass with a few trees.
7. The billboard sign in Appeal A would be located on the south-east elevation of the building and at the time of my visit such a billboard was in place. The billboards in Appeal B are proposed on the long north-elevation of the building facing Gordon Road and three billboards were in place at the time of the visit including one said by the appellant to have been permitted by the Council. The signs are proposed to be illuminated only when the store is in operation.
8. The Council has submitted details of Tree Preservation Orders which appear to relate to the overall site of the retail store, however, it has not been shown that these have a bearing on the appeal proposals or that protected trees would be harmed directly or indirectly by the signage now put forward.
9. In considering both appeal I have taken account of the signage on and around the building as permitted by the Council.

Appeal A signage

10. This billboard faces the grassed area at the 'front' of the building facing the main public thoroughfare. The size of the billboard would occupy a relatively small extent of the overall bulk of brickwork on this elevation of the building and is shown to be mounted relatively close to the ground. With external illumination the billboard on its own would not visually overpower the scale and form of the host building and would not dominate the local townscape or the setting of, or outlook from the large buildings of residential flats on the other side of London Road. I agree with the appellant that the sign will provide some interest to a building where this principal elevation lacks detail or a presence of the retail use.
11. Even with the permitted flag-pole sign on the grassed area and the high-level fascia sign on the building the cumulative impact of the signs would not result in an excessive form of visual clutter as the Council alleges. The proposal would be close to an existing sign mounted on posts in the grassed area but this has the appearance of being a temporary sign and is not shown to have been expressly permitted and therefore I have given its presence little weight.

12. Finally, the Council has not demonstrated that the proposed sign would harm the setting of any public art in this area to be established as part of the development of the retail store.
13. Overall, I find that the billboard sign will not harm the amenity of the area or the townscape of the local part of London Road. Where the development plan is material to this appeal, I conclude that there is no conflict with the general intentions of Policy CS8 of the Council's Core Strategy to protect the primary suburban character of the Borough and Policy DM 10 *inter alia* to respect the distinctiveness of a street or Policy D3 of the London Plan 2021 to generally enhance the local context of an area.

Appeal B signage

14. The flank elevation of the retail store along Gordon Road is of considerable length and the extent of brickwork is only relieved by some minor detailing in its form and the single billboard already permitted by the Council. The proposal to add two more billboards would help break up visually the mass of building bulk and give some interest to the street scene which is of a secondary nature to that of London Road.
15. The scale of billboards would not dominate or be out of proportion to the scale of building and taking account of the existing billboard the cumulative impact of the signage would not result in an unacceptable form of visual clutter. The additional billboards would be situated almost opposite the large and imposing façade of the self-storage building and would not impose on the setting of the residential flats on the corner with London Road.
16. I find that the two billboards proposed would not harm the amenity of the area. Where the development plan policies are material there is no conflict with them as mentioned in Appeal A above.
17. Given these conclusions both appeals should be allowed.

Conditions

18. The Council recommend 7 conditions, the five of which are Standard Conditions imposed under Regulation 14¹ and do not need to be repeated here. Of the specific conditions put forward I agree that No.6 is reasonable and necessary to control the degree, form and timing of illumination in the interests of amenity. However, condition No.7 is not necessary as the restriction of illumination to store opening hours is already contained in part (e) of No. 6.

Conclusion

19. For the reasons given above I conclude that the display of the advertisements would not be detrimental to the interests of amenity.

David Murray

INSPECTOR

¹ of the Town and Country Planning(Control of Advertisements) (England) Regulations 2007.

Schedule of Conditions (both Appeals)

1. The illuminated billboard(s) shall be designed so that:-
 - a) no part of the source of the illumination shall at any time be directly visible to users of adjacent adopted highway;
 - b) static illumination is provided and shall not feature intermittent or flashing lights;
 - c) the level of illumination shall not at any time exceed 160- cd/m².
 - d) moving features shall not be provided.
 - (e) the signage is illuminated during store opening hours only.

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