



Appeal Decision

Site visit made on 13 June 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/F5540/H/22/3302757

Chiswick High Road, North east of Lionel Road, London W4 3AG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Network Rail against the decision of the London Borough of Hounslow.
 - The application Ref 01073/C/AD2, dated 7 March 2022, was approved on 16 May 2022 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is the installation of 1no. 48 sheet digital LED advertisement display following removal of existing 5 no. externally illuminated 48 sheet advertisement billboard.
 - The condition in dispute is No 7 which states that: *'The advertisements displayed shall not change more frequently than once every 60 seconds (to avoid drivers seeing more than two images while waiting at the adjacent traffic lights which may focus their attention on the display to the detriment of other road users)'*.
 - The reason given for the condition is: *'In the interests of highway safety; in accordance with Local Plan policy CC5 & EC2'*.
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Decision

1. The appeal is allowed and the express consent Ref 01073/C/AD2 for the installation of 1no. 48 sheet digital LED advertisement display following removal of existing 5 no. externally illuminated 48 sheet advertisement billboard at Chiswick High Road, North east of Lionel Road, London W4 3AG granted on 7 March 2022 by the London Borough of Hounslow, is varied by deleting condition 7 and substituting it with the following condition:

- 1) The advertisements displayed shall not change more frequently than once every 10 seconds.

Main Issue

2. The main issue is whether the condition is necessary in the interest of public safety, specifically highway safety.

Reasons

3. Advertisement consent was granted for the replacement of the existing externally illuminated static advertisement panel on the site with an upgraded advertisement board which would display static digital LED images on rotation. The appellant seeks to vary condition 7, to reduce the duration that each image is displayed on the proposed advertisement from 60 seconds to 10 seconds.

4. The appeal site is in an area characterised by a mixture of residential and commercial uses. It is located adjacent to the northbound carriageway of the A205 Chiswick High Road, just after its junction with Lionel Road South. The site is positioned shortly before the point at which the carriageway divides into a left turn filter lane, bus lane and forward only lane. The traffic flow along this stretch of road is controlled by a speed limit of 20mph and the position of traffic lights beyond the site further along Chiswick High Road.
5. Illuminated signs, including those using LED technology, which are subject to frequent changes of the display, are identified in the Planning Practice Guidance as a type of advertisement which may cause danger to road users. The appellant's submissions indicate that Section 8 Note 1 of the Institute of Lighting Professionals guidance: The Brightness of Illuminated Advertisements (PLG05, January 2015) sets out that for digital signs when the content would change, the rate of change should be limited to once every 5 seconds. It is proposed that the advertisement images would be static but would change every 10 seconds, which would be less frequently than the timescale recommended in the guidance.
6. I note that the condition was suggested by the Council's transport team who raised no objection to the proposal subject to conditions. Copies of the consultation responses were provided by the appellant. Their accuracy has not been disputed, nor have any other reasons for the condition been submitted.
7. The appeal submissions do not include details of the likelihood of queuing traffic at the traffic lights extending up to and beyond the appeal site or how long such vehicles would be stationary in the foreground of the advertisement. Moreover, even if the queue of waiting traffic was to extend this distance along the carriageway, there is no substantive evidence that the frequency of change of the images proposed would cause a distraction to drivers so as to create a hazard to other road users and compromise highway safety.
8. For these reasons, I conclude that the proposed variation to allow the advertisement to change every 10 seconds would not be detrimental to public safety, specifically highway safety. Consequently, it would accord with the combined aims of Policies CC5 and EC2 of the London Borough of Hounslow Local Plan 2015-2030 in so far as they require advertisements to have suitable regard to public safety and demonstrate that adverse impacts on the transport network are avoided.

Conclusion

9. For the reasons given above I therefore allow the appeal, deleting condition 7 and substituting it with a condition to allow the advert to change no more frequently than 10 second intervals.

Emma Worley

INSPECTOR