



Appeal Decision

Site visit made on 17 May 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Appeal Ref: APP/Q3630/Z/24/3342258

Hawthorne Trade Park, Hawthorne Road, Staines-Upon-Thames, Surrey, TW18 3AY

- 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 ELONEX against the decision of Runnymede Borough Council.
 - The application Ref RU.24/0157, dated 19 January 2024, was refused by notice dated 8 April 2024.
 - The advertisement proposed is the erection and display of a freestanding digital advertising unit (standard 48 sheet size) with two display units in back to back formation with internal L.E.D. illumination each measuring 6 m wide x 3m high for the display of static poster advertisements.
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Decision

1. The appeal is allowed, and express consent is granted for the display of a freestanding digital advertising unit (standard 48 sheet size) with two display units in back to back formation with internal L.E.D. illumination each measuring 6 m wide x 3m high for the display of static poster advertisements as applied for. 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 following additional conditions: -
 - 1) The illumination of the advertisement hereby granted consent shall be by fixed and constant lights and not by lights which are, or appear to be intermittent, moving, flashing or vibrating. The images shall not change more frequently than every 10 seconds and the change in images shall take place instantly.
 - 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300cd/m².

Procedural Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in determining this appeal, the Council's policies, in themselves, have not been decisive.

3. The Council does not object to the siting of the advertisements on public safety grounds, following my site visit and subject to conditions I see no reason to disagree.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

5. Amenity is not defined for the purposes of the Regulations however the Planning Policy Guidance (PPG) explains that in practice “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood.
6. The advertisement subject to this appeal would be located within a car park to a Wickes store which is part of the Hawthorne Trade Park. Positioned on an existing verge area between the parking spaces and the footpath to The Causeway (A308), the proposed digital advertising screen would be approximately 2.7 metres above the ground. It would be viewed against the backdrop of a car park, and large warehouse and office buildings. There are numerous advertisements, both fascia signage on the individual buildings and standalone totem boards. Also, whilst significantly smaller than the appeal proposal, there is a digital road traffic sign to Hawthorne Road and a range of other furniture including a bus shelter and a covered trolley bay.
7. There are no existing “billboard” type advertisements in the locality, and the proposal would be a notable size. However, digital billboards are increasingly becoming commonplace across the country. The large freestanding signage would be a prominent addition, nonetheless, given the context set out above, it would be experienced within a commercial area and would primarily form part of the transitionary view experienced by users of the road and pedestrians. Also, positioned adjacent to the open car park and wide footway, the signage would not be seen as unacceptably cluttering the street scene. Therefore, I do not find the proposal would appear incongruous or overly intrusive.
8. The design of the digital illumination is proposed to be in line with the Institute of Lighting Engineers Technical Report 5, and the frequency of images and luminance can be conditioned. The vicinity of the appeal site is already lit at night by streetlights, and the nearest residential properties are further along the road, beyond the Trade Park. Consequently, operating the digital advertisement would not cause undue glare or significantly adversely affect the visual amenity of the area.
9. Therefore, the proposed advertisement would not harm the amenity of the area. I have taken account of Policy EE1 of the Runnymede 2030 Local Plan and the Runnymede Design Supplementary Planning Guidance, which promotes high-quality and inclusive design which responds to the local context. Nor would it comprise the type of poorly sited and designed advertisements that the National Planning Policy Framework seeks to resist.

Conditions

10. It is necessary in the interests of amenity and highway safety for the display to be limited in the frequency of the image changes and the level of luminance. The Council have also suggested that the operational hours relate to the

premises, however, there is no indication that the advertisement is for individual premises and the units within the Trade Park have different operating hours.

Conclusion

11. For the reasons given above, and subject to conditions, the appeal is allowed.

G Ellis

INSPECTOR