



Appeal Decision

Site visit made on 14 May 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/T5150/H/23/3333277 572 North Circular Road, London NW2 7PY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2600 was approved on 27 September 2023 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is the erection of a static internally illuminated LED advertising display mounted on the elevation facing Chartley Avenue at No.572 North Circular Road, London, NW2
 - The condition in dispute is No 4 which states that: The level of luminance for the proposed sign shall not exceed 100cd/m² during the hours of dusk to dawn. Outside of these hours, the level of luminance for the proposed sign shall not exceed 300cd/m².
 - The reason given for the condition is: To ensure that the proposed display does not prejudice the amenity of the area or the conditions of general safety along the neighbouring highway; to ensure the level of luminance of the proposed signage would conform to the recommended maximum luminance values within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).
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Decision

1. The appeal is allowed and the express consent Ref 23/2600 for the erection of a static internally illuminated LED advertising display mounted on the elevation facing Chartley Avenue at No.572 North Circular Road, London NW2 7PY granted on 27 September 2023 by the Council of the London Borough of Brent, is varied by deleting condition 4 and substituting it for the following condition:
 - 4) The proposed display shall be fitted with a dimmer control mechanism to control the luminance of the display to reflect real-time changes to ambient lighting conditions throughout the day.

The level of luminance for the proposed display shall not exceed 100cd/m² during the hours of dusk to dawn. Outside of these hours, the level of luminance of the proposed display shall be adjusted accordingly by the ambient light sensor in adherence to the limits within the recommended daytime luminance values set out within Table 10.5 of the Institute of Lighting Professionals - Professional Lighting Guide 05/23 - 'The Brightness of Illuminated advertisements including digital displays' (or its equivalent in a replacement guide) in cd/m², up to a maximum level of 5,000cd/m².

Background and Main Issue

2. The Council have confirmed that their transport officer has advised there are no transport concerns with this appeal proposal and that TfL has not objected to the maximum illuminance levels sought. I am not presented with substantive evidence that would give me reason to disagree.
3. Advertisement consent was granted, subject to conditions, for a static internally illuminated LED advertising display. This appeal has been submitted against one condition that was imposed on the consent: Condition 4.
4. Condition 4 restricts the illuminance to 100cd/m² during the hours of dusk to dawn and 300cd/m² outside these times. However, the appellant considers this condition overly restrictive during daytime hours and is seeking a maximum of 5000cd/m². The National Planning Policy Framework (the Framework) paragraph 141 states that advertisements should be subject to control only in the interests of amenity and public safety. The Planning Practice Guidance provides further advice on material considerations in these regards.
5. In light of the above, the main issue is whether the disputed condition is reasonable and necessary in the interests of protecting the amenity of the area with particular regard to the levels of luminance during daytime hours.

Reasons

6. The appeal site is located in a mixed commercial and residential area. It is on the corner of Neasden Lane and Chartley Avenue, close to the North Circular Road, and is currently devoid of any advertisement. Residential properties of 568 and 570 Chartley Avenue (Nos 568 and 570) are located opposite.
7. The vicinity of the appeal site is already lit at night by illuminated signs and display windows associated with Neasden Lane and with retail and commercial premises near the junction; and the streetlights of Neasden Lane, Chartley Avenue and the North Circular Road. As such, the area surrounding the appeal site is likely to be well-lit at all times during the day and night.
8. Table 10.5 of the Institute of Lighting Professionals - Professional Lighting Guide 05/23 – 'The Brightness of Illuminated advertisements including digital displays' (the Guide), acknowledges that ambient lighting conditions will be variable, with daytime hours background ambient lighting levels considerably higher than at night. I acknowledge that the level of illuminance sought is significantly higher than the maximum level provided by condition 4. However, on this basis, this would be required for the display to be clearly seen during daylight hours.
9. As the appeal site currently has no advertisement, an illuminated LED advert would be noticeable. Windows at Nos 568 and 570 would face towards the advertisement and are around 20m away. However, the use of an internal sensor, as suggested by the appellant, and recommended within the Guide, would monitor ambient conditions in real-time and the screen would adjust brightness levels respectively. This would ensure the sign adheres to the recommended daytime luminance values set out within Table 10.5 of the Guide. Therefore, the sign would not appear overly bright during the daytime relative to the daytime ambient light levels, thus preventing the advert from having a harmful impact on local amenity. The addition of an ambient light sensor is a matter which could be addressed by a suitably worded condition.

10. Therefore, condition 4, as imposed by the Council, is not reasonable and necessary in the interests of protecting the amenity of the area with particular regard to the levels of luminance during daytime hours. However, in light of the above, a modified condition is reasonable and necessary. Consequently, I consider that condition 4 should be deleted and reimposed in a modified form as set out above, consistent with the aims of the Framework which supports well-sited and designed advertisements.

Other Matters

11. The Council is concerned that the variation of illuminance would create a different scheme to that which had been assessed at the application stage and that neighbours would be prejudiced as a result. I note that 16 neighbouring addresses were consulted, and no representations were received. The description of development refers only to the display of an internally illuminated LED advertising display and not to a maximum illuminance level. Furthermore, the Council have undertaken consultation on the appeal and no representations were received from interested parties. As such, in the circumstances of this case, I am satisfied that neighbours would not be prejudiced as a result.
12. Furthermore, the Council's suggestion that the appellant should have considered other mitigation provisions to reduce the amount of daylight falling on the sign is not within the scope of my assessment, which must focus on the planning merits of the appeal proposal.

Conclusion

13. For the reasons given above, condition 4 should be deleted and reimposed in modified form without harm to the amenity of the area. I therefore conclude that the appeal should be allowed.

L Clark

INSPECTOR