



Appeal Decision

Site visit made on 30 July 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2024

Appeal Ref: APP/N5090/Z/24/3342591

176 Hendon Way, London NW2 1JN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Meir Zloof against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5131/ADV.
 - The advertisement proposed is 3 No digital poster displays each measuring 7.5m x 5m designed into a silver clad freestanding advertising structure for the display of static poster images.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. A draft revised National Planning Policy Framework (2024) (the Framework) was published between the determination of the application and this appeal. The substance thereof as far as it relates to the following main issue has not however changed. Moreover, as a draft version it could be subject to change. As such, for clarity, my references to the Framework are to the current 2023 version.
4. The Regulations and the Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

5. The main issue is the effect of the proposed advertisement displays on the visual amenity of the area.

Reasons for the Recommendation

6. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For example, whether the proposed advertisement would be in scale and keeping with important features.
7. The advertisement subject to this appeal would be located within a site on the eastern side of Hendon Way (A41), which is bounded by the rear gardens of Hamilton Road to its east, with a bus shelter and green area to its north and faces the Tesco superstore and Hendon Leisure Centre to the west across Hendon Way. The site is enclosed by hoarding and there are two existing digital advertising boards facing the north and south direction of the site.
8. Both the appellant and the Council have provided some information regarding a proposed highway improvement of which the line traverses the front of the appeal site and would thus affect the existing digital advertisements. As a result of this, advertisement consent was granted for the installation of 2 no. internally illuminated hoarding signs¹. The panels were proposed to be in V formation and landscape form and set back behind the current displays and highway improvement line. However, this does not represent a fallback position as the period of consent was for three years from the date², which has now elapsed.
9. In any case, the advertisement proposal which is the subject of this appeal would contrast with what currently exists on site and the aforementioned consent which can no longer be implemented. The previously approved advertisements are freestanding units raised on narrow plinths, whereas the appeal proposal would be a single structure in the form of a solid trapezoid from top to bottom. It would be a much bulkier and imposing structure at a height of 10 metres and width of 12 metres. With the planned highway improvement, it would be closer to the A41 and would be an overly dominant structure which would be incongruous with the surroundings and thus harmful to the visual amenity of the area.
10. London Borough of Barnet's Design Guidance Note 1: Advertising and Signs (the DGN) states that hoardings are generally not acceptable in the borough because of their visual effect. However, there may sometimes be occasions when they can perform a useful function in screening an untidy or vacant site. Where this is the case, they should respect the scale of their surroundings. I acknowledge the appellant's argument that the proposed advertisement structure would be set within the context of an existing established poster advertising location. Having been used as a longstanding advertisement location, they consider this presents a commercial setting.
11. However, the advertisement structure would be viewed against a backdrop of trees and shrubs and rear gardens of properties on Hamilton Road. Moreover, my concerns are not the principle of advertisement displays but the form of the proposal before me. This, by virtue of its solid mass, height and size would

¹ 18/2233/ADV

² See condition 2

appear as a dominant and imposing structure which would be visually harmful to the surrounding area.

12. I find that the proposed advertisement displays would result in an unacceptable impact on visual amenity. Whilst not decisive, the proposal would conflict with the objectives of the Framework and would also conflict with Policies D3 and D8 of the London Plan (2021), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) and guidance within the DGN. These seek, amongst other matters, to ensure that proposals preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Conclusion and Recommendation

13. For the reasons given above the appeal should be dismissed.

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr R Walker

INSPECTOR