



Appeal Decision

Site visit made on 3 September 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/L5810/Z/24/3343764

161 Chertsey Road, Twickenham, Richmond upon Thames TW1 1ER

- 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 James Joseph on behalf of Currie Motors against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref is 23/1960/ADV.
 - The advertisement proposed is 2no. internally illuminated signs (Sign D & Sign H).
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Decision

1. The appeal is allowed and express consent is granted for the display of 2no. internally illuminated signs (Sign D & Sign H) in accordance with the terms of the application, Ref 23/1960/ADV. The consent is for five years from the date of this decision, is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisements hereby granted consent shall be no greater than 380 candela per square metre (cd/m^2).
 - 2) The illumination of the advertisements hereby granted consent shall be a fixed, constant light and at no time be intermittent.

Preliminary Matters

2. In respect of the appeal, I have been provided with copies of two decision notices relating to the appeal proposal. Both decision notices confirm that the Council issued a split decision, refusing consent for Signs D and H only. However, the first decision notice is dated 19 October 2024 and did not provide any reasons for refusal. A second decision notice dated 25 October 2024 did provide reasons for refusal. In determining this appeal, I have had regard to the original decision notice, dated 19 October 2024.
3. The application made to the Council included a total of nine illuminated and non-illuminated signs, of these seven (Signs A, B, C, E, F and G) were granted consent by the Council in a split decision. Therefore, this appeal will not consider these elements of the original proposal. I have amended the description in the banner heading accordingly to refer to only the signs refused by the Council.
4. I note from my site visit, that the signage which is the subject of this appeal is already in situ at the site. The proposal is, therefore, retrospective and appeal has been determined on this basis.

Background and Main Issue

5. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
6. 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.
7. The Council has raised no specific concerns in relation to public safety. Based on the evidence before me, I see no reason to disagree. Therefore, the main issue of the appeal is the effect of the proposed advertisement upon the visual amenity of the area.

Reasons

8. The appeal site comprises a car sales showroom and forecourt, located prominently on the corner of Chertsey Road and Whitton Road. The surrounding area is mixed in character with the appeal site and adjoining commercial premises, located adjacent to two-storey, semi-detached residential properties. Also visible from the appeal site, are nearby industrial buildings and Twickenham Stadium. It is a busy location, with existing signage and lighting contributing to the character and appearance of the area.
9. The appeal proposal, as outlined above, relates to two signs, both of which would be located where existing signage has previously existed. In respect of Sign D this replaces an existing totem sign which is located adjacent to the vehicular entrance to the appeal site. It would be of a similar design to the other freestanding signage proposed within the site and would be internally illuminated (static) to a maximum of 380 candela per square metre (cd/m²).
10. The Council state that this sign would be taller and more prominent than the previous sign, which would detract from the appearance of the site and visual amenity of the street. However, the appellant has confirmed that Sign D is the same height and in the same position as the previous totem sign. There would also be a reduction in the overall level of illumination as a result of the revised design, due to the illuminated elements of the new sign being smaller in size than the existing. For these reasons, I find that Sign D does not detract from the appearance of the site or cause harm the visual amenity of the area.
11. In respect of Sign H, this replaces an existing sign located close to the boundary of 144 Whitton Road (No.144). The proposed sign would be of a larger scale than the existing sign, but of a similar design and scale to other signage (Signs F & G), which have been granted consent by the Council. Although the Council states that the sign would be affixed to the boundary fence, based on the evidence before me and my own observations, it is not affixed to the fence, but is located a short distance away from the boundary.
12. The sign is also illuminated to a maximum of 380 cd/m². However, it is a single sided advertisement so there is no illumination facing towards No.144

and therefore no adverse harm is caused to the neighbouring property by virtue of increased illumination. Furthermore, its position away from both the boundary fence and the road, situated behind parked vehicles ensures that it is not visually intrusive in the street scene.

13. In respect of both signs, whilst I acknowledge that there are existing illuminated advertisements in the local area, including previously consented signage at the appeal site, I recognise that an unduly bright sign could have a significant visual impact that would harm amenity. Notwithstanding this, I am satisfied that the imposition of suitably worded planning conditions to require that the illumination remains static, and which limits the level of illumination of the advertisements to a maximum level of 380 candela per square metre, would ensure there is no adverse harm to the amenity of neighbouring occupiers. Furthermore, I am also satisfied that the imposition of these conditions would sufficiently protect the visual amenity of the area so that a condition to restrict hours of illumination would not be necessary.
14. Taking the above into account, the advertisements are consistent with those expected on a commercial site such as this, and in respect of Sign D would largely replicate the scale and position of the previously consented signage. They would also be in keeping with the recently consented advertisements at the site. Therefore, I conclude that the advertisements (Signs D & H) would not harm the visual amenity of the area.
15. I have had regard to Policies LP1 and LP8 of the London Borough of Richmond upon Thames Local Plan 2018, which seek to ensure all development is of a high urban design quality maintain the character and heritage of the Borough. Given that I have concluded that the proposal would not harm amenity, it would not conflict with these policies. Nor would it comprise the type of poorly sited and designed advertisements that the Framework seeks to resist.

Other Matters

16. I have had regard to third party concerns over highway safety, effect on nature and potential noise and disturbance. These matters were before the Council when it determined the application and did not feature in the reasons for refusal. Based on the evidence before me, and from my own observations, I have no reason to disagree with the Council's assessment of these matters.

Conditions

17. The consent is subject to five standard conditions as set out in the regulations. Further conditions are necessary to restrict the maximum levels of illumination and to ensure that the illumination remains static in the interests of protecting the visual amenity of the area.

Conclusion

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

K Lancaster

INSPECTOR