

Appeal Decision

Site visit made on 25 September 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/F5540/Z/24/3346930

Two railway arches lying on the northwest side of London Road, TW8 8JW

- 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 Wildstone Estates Limited against the decision of the London Borough of Hounslow Council.
 - The application Reference is 00707/DT/AD1.
 - The proposal is to erect a new digital poster display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on visual amenity and on public safety, with particular regard to highway safety.

Reasons

3. The Council refers to development plan policy. The Regulations require that decisions be made only in interests of amenity and public safety. Therefore, development plan policy alone cannot be decisive, but I have taken it into account as a material consideration.
 4. The site is an elevated position on a railway arch wall to the north west side of London Road close to its junction with Commerce Road. The area is mixed in character with commercial and retail premises, a hotel, residential properties, street lighting and a variety of roadside advertisements all evident.
 5. The site is within the Grand Union Canal and Boston Manor Conservation Area.
 6. The proposal is an externally illuminated hoarding with a modern internally illuminated digital advertisement (D-Poster) to display multiple static advertisements on rotation. The display would measure 3m(w) x 4.5m(h) x 0.097m (d) and would be positioned 2.3m above ground. The proposed display would be capable of displaying 6 advertising campaigns at a time, sequencing every ten seconds.
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Amenity

7. In general terms, even with the local businesses and a busy main road, the commercial activities, and certainly their signage, struck me as quite low key in nature. Usually, the advertising is directly related and scaled to its premises and, overall, there is an aesthetic which is far from brash or impactful. Furthermore, most recent development, to the east of the appeal site, faced from it, appears to be residential nature and to me the locality has an air of regeneration in process. The scene is an interesting one and it is right that aesthetic focus should be on the Grand Union Canal, Brentford Bridge and the Brentford Gauging Lock
8. Against the area's local character, I would not support what would appear a less than low-key format in this prominent position. Even with restricted and variable luminance and limited light spread and the technical case put forward by the Appellant, it would undoubtedly be an eye-catching changing display to people passing west bound and within the area generally, during the day and more so in hours of darkness. The visual qualities of the area would diminish with an incongruous and obtrusive display feature which would be relatively bold, sizeable and elevated and would simply not be suited in these environs. The character and appearance of the Conservation Area could not be said to be preserved in my opinion.
9. In summary, the scheme would result in a negative impact on amenity

Public safety

10. In situations such as this, in proximity to traffic light junctions, it is important to ensure that there is not undue risk of internally illuminated signs, because of changing colours, being mistaken for, or confused with, traffic lights. An individual proposal needs to be assessed on their own merits. The advertisement would primarily face westbound users of London Road and it would come into view on the immediate approach to Brentford Bridge. From my observation this is reasonably busy junction with a steady flow of traffic and pedestrians crossing the road at the traffic lights, usually when they were on red. I note that TfL and LBH's Cycleway 9 scheme has plans to run through this junction on this stretch of London Road, the A315.
11. In the circumstances, I would assess that drivers would need attention and concentration to safely navigate the junction, with distractions minimised.
12. For many west-bound drivers, the advertisement would come into view and be seen in the same field of view as heads of the traffic signals on the approach to the junction. I am concerned that the prominence of the advertisement with its frequently changing display beyond and at a broadly similar level to the heads of the traffic lights, would draw the eye, diverting the attention of road users even momentarily. Use and changes of, for example, the colours of red, amber or green may be glimpsed and misinterpreted by some drivers as a signal to move forward or stop suddenly. This would all be at a point of potential pedestrian, vehicle or cyclist activity or waiting to turn right into Commerce Road.

13. I have carefully considered the highways technical note completed by Axis transport consultants. I note the analysis of local accident data and the assessment that the appeal scheme would not be dangerous or unusual in highway safety terms. There will always be a degree of subjectivity involved but for my part I simply find that, as I describe, there would be undue risks to public safety were the scheme to go ahead and I am not able to condone those.
14. Given the foregoing I conclude that the scheme would unduly impinge upon public safety.

Other matters

15. I have considered both the National Planning Policy Framework and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement. However, the Framework explains that control in the interest of amenity and public safety is valid where there would be appreciable impacts such as I have described.
16. The illuminated display on the other side of the arches is cited by the Appellant but it is a very different proposition from the appeal proposal in my opinion. It is more peripheral to the Conservation Area, more visually compatible to the scene by proximate appreciable commercial development and related sizeable advertisements, and has a very different relationship to junction movements and traffic signals.
17. Much reference is made of the 'existing' static illuminated 48 sheet hoarding at the appeal site, not least because the planned scheme would be smaller. I can see from older images that such a billboard was in situ. However, at the time of my visit there was no evidence of the advertisement and I am thus assessing the site accordingly. As relayed above I find that this location is unsuited to the appeal proposal. I would add that even if the static illuminated display had been in evidence I would have reached the same conclusion. Notwithstanding the reduced size the nature of the digital advertisement would be more disruptive in amenity and public safety terms.
18. On the subject of reduced size; I recognise that the scheme before me is of a smaller scale than the initial refused proposal Council Ref 00707/CW/AD1 (dismissed appeal: APP/F5540/Z/22/3306213). However, I find that with its own demerits as described above, the proposal is overwhelmingly harmful in amenity and public safety terms. Indeed, given its re-orientation, there is a case to be made that the move of a greater surface area towards the road's kerb edge would make it more intrusive than its predecessor.
19. I appreciate the ability to control illumination levels and output via planning conditions as suggested by the Appellant. The points made over sustainability in all its senses over the sign and its remote operation with reduction of travel are noted. These along with factors such as possible community announcements, rationalisation of advertisement sites elsewhere, and waste reduction all have some credence and I give them limited weight.

20. I have carefully considered these and all the other points raised by the Appellant. However, these matters do not outweigh the concerns which I have in respect of the two main issues identified above.

Overall conclusion

21. For the reasons given above I conclude that the proposal would be unduly detrimental to amenity and to public safety, with particular regard to highway safety. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR