

Appeal Decision

Site visit made on 3 September 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2024

Appeal Ref: APP/E0345/Z/24/3341590

261, Land at Hand Car Wash, London Road, Reading, RG1 3NY

- 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 Alight Media Ltd against the decision of Reading Borough Council.
 - The application Ref is 231842.
 - The advertisement proposed is new pair of illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Additional information, in the form of Crash Map data, has been submitted with the appeal. The Council has been given the opportunity to comment. I have taken any made and the data into account insofar as they relate to public safety. Further, I have had regard to the relevant policies of the development plan insofar as they are material to the main issues which are the effect of the proposal on a) public safety; and b) amenity with specific regard to Reading Cemetery and the setting of listed buildings.

Reasons

Public Safety

3. The appeal site is located on the A4 London Road, a main arterial route which carries a high volume of constant traffic. The appeal site is currently a hand car wash, and the surrounding area is a mix of commercial and residential properties. Nearby is a signal controlled junction and pedestrian crossing. The proposal would be 48 sheet poster sized, illuminated and intermittently present a range of images. Planning Practice Guidance (PPG) outlines, amongst other things, that advertisements which are large and have frequent changes of the display are factors which may cause danger to road users. The advertisements would face oncoming traffic in both directions on London Road.

4. The size, prominent location and nature of the proposals would draw the eye, at a point when drivers are approaching not only a signalled controlled junction but also one at which pedestrians would be crossing. The results of distraction would therefore be more acute.
5. The crash map data demonstrates that there have been three slight incidents in the vicinity of the pedestrian crossing and junction of London Road with Cholmeley Road. There are more accidents at the convergence of London Road, Wokingham Road and Kings Road, but this does not mean that the addition of the adverts at the appeal site would not have an adverse impact on public safety. Particularly since the data relates to a situation without the proposed advertisements. I am also mindful of PPG which, in addition to the above, sets out that all advertisements are intended to attract attention but those at points where drivers need to take more care are more likely to affect public safety.
6. I do not have the full details of either advertisements located on Caversham Road¹ which was granted consent in 2015 and 134 Bath Road², Reading. However, they are not located on the busy London Road, and neither are in such close proximity to a signalised junction and pedestrian crossing. Consequently, these examples are not directly comparable to the appeal site. In the case of 120 London Road³, the Inspector highlighted the location of the advertisement to be 'challenging' for road users and pedestrians. As I have identified above, the appeal site is in close proximity to a junction and pedestrian crossing. Therefore, the existing layout of the site before me can also be deemed challenging. Moreover, the existence of another advertisement in a challenging location does not justify granting consent for the scheme before me.
7. I do not have the substantive evidence/research before me relating to the effect on public safety with regard to roadside advertising, the introduction of LED displays, illuminated displays and static sequential images. Whilst the advertisements would transition between static images, there is no compelling evidence to suggest that this would still not cause an unacceptable distraction. Therefore, a condition regarding the level of illuminance would not satisfactorily address the harm I have identified.
8. With this and the above in mind, the appeal scheme would have an unacceptable effect on public safety. Insofar as they are material, the advertisements would therefore fail to accord with the aims of Policy OU4 and TR3 of the Reading Borough Local Plan 2019 (LP) and the relevant parts of PPG as I have set them out. Together, these seek to ensure that development does not have an adverse impact upon public safety.

Amenity

9. On the approach to the appeal site there are examples of small commercial advertisements on the fascia of properties with small hanging signage. These are not illuminated and nor do they incorporate the sequential movement of images. There are other adverts in close proximity, but the majority of

¹ Planning application reference: 150036

² Planning appeal reference: APP/E0345/Z/17/3183889

³ Planning appeal reference: APP/E0345/Z/16/3155806

commercial signage is at the convergence of London Road, Wokingham Road and Kings Road. Given this, the proposal would not significantly increase the visual clutter of advertisements. Mainly due to its distance from the aforementioned junction. Nevertheless, No 261 is part of a predominantly residential area where there is a consistency of scale and type of development that contributes positively to its character and appearance. As such, the addition of a large 48-sheet poster advertisement with both illumination and intermittent sequential images would be an incongruous and prominent addition, noticeably out of scale with the surrounding area.

10. Adjacent to the appeal site is the Grade II listed park and gardens of Reading Cemetery. Within the cemetery are Grade II listed graves as well as the Grade II listed entrance lodges and gates. The lodges and gates are a prominent feature within the street scene. The lodges are built from bath stone and feature an arched entry with a moulded architrave all of which adds to the special interest of the cemetery as a whole. Additionally, the lodges have Doric pilasters which further contribute to their striking character. The cast iron gates are highlighted by a row of roses below the spearhead rails. The lodges clearly demarcate the entrance to Reading Cemetery and due to its design results in a prominent and dramatic structure within the streetscape. Consequently, whilst the appeal site is not directly adjacent to the listed entrance lodges, it is part of the same street scene and thus within their setting.
11. The signage within the locality is generally restrained with limited illumination. The proposed advertisements would each be sited on one elevation and would not result in visual clutter. However, given the scale of the development in conjunction with illuminated display, it would be prominent within the public realm and particularly during the night-time.
12. Moreover, the intermittent changing of the illuminated display would draw attention to the advertisements and would accentuate their visual significance, in competition with the presence of the cemetery entrance and its associated structures. As a result, the proposal would appear incongruous within the street scene and result in harm to the setting and thus significance of Reading Cemetery.
13. The National Planning Policy Framework (the Framework) Annex 2 defines the setting of a heritage asset as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*' Therefore, the physical proximity of the appeal site to the entrance lodges specifically, does not determine whether the proposal would affect them or the overall setting of Reading Cemetery in this case.
14. The proposal would therefore be unacceptably harmful to the amenity of the area and specifically the setting of the entrance to Reading Cemetery in the manner I have set out. It would accordingly, insofar as they are material to the main issue, conflict with the objectives of Policies OU4, CC7 and EN1 of the LP which seek to ensure that development does not have an adverse impact upon the amenity of the surrounding area and that advertisements respect or enhance historic assets and historic environments. The decision notice refers to Policy EN16 but this appears to relate to pollution and water resources. It is not therefore directly relevant.

Other Matters

15. The appeal site is in close proximity to residential dwellings located on Regent Street and Cholmeley Road. The illuminated advertisements would face the rear elevations of the residential properties. The Council have highlighted concerns regarding the absence of information with regard to beam orientation and the ability to assess the impact upon the occupiers of neighbouring residential dwellings. The appellant has stated that a planning condition with regard to luminance levels, frequency and manner of change between images would ensure such would be safeguarded.
16. However, there is no substantive evidence before me with regard to the beam orientation, and the relationship of the appeal scheme with these residential properties. In any event, the aforementioned regulations only allow the consideration of public safety and amenity in regard to proposals made thereunder. In the case of amenity, this can be visual or aural, but not in the case of amenities (living conditions) in the specific standalone sense, of nearby occupiers. I have not therefore considered this matter further.
17. The appellant has highlighted similar development in Burton-on-Trent⁴ which was granted consent by East Staffordshire Borough Council. I do not have the details of this application before me and in any case, each application is determined on its own merits. Moreover, this development was assessed in relation to a different Council and accordingly, I cannot be sure that it is directly comparable to the appeal scheme.
18. I do not have the full details of APP/E0345/X/16/3155806 before me. The Inspector determined the appeal on the Council's reasons for refusal. The lack of reference to Reading Cemetery cannot be assumed to equate to an absence of harm. Nevertheless, even if the omission of comments regarding Reading Cemetery were to be perceived as there being no resultant harm, the appeal decision is of some age and policies and guidance have changed since then. Accordingly, I cannot be certain that it is wholly comparable to the proposal before me. I have determined this appeal on its own merits and with regard to the specific circumstances of the case.
19. There might be examples of architecture that one may deem inappropriate or impinging on the setting of heritage assets. Even if this is the case, they are pre-existing and, if they are unacceptable, this would not justify further unacceptable development in the form of inappropriate advertisements.

Conclusion

20. The proposal would be harmful to public safety and amenity for the reason I have set out and thus would be unacceptable under the aforementioned regulations. The appeal should therefore be dismissed.

B Astley-Serougi

INSPECTOR

⁴ Planning Application Reference: P/2020/00538