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## Appeal Decision

Site visit made on 22 October 2024 by E Street BSc (Hons)

**Decision by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 November 2024**

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**Appeal Ref: APP/N0410/Z/24/3346829**

**Esso Service Station, Oxford Road, Denham, Buckinghamshire UB9 4DF**

- 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 EG Group against the decision of Buckinghamshire Council - South Area (South Bucks).
  - The application Ref is PL/23/3410/AV.
  - The advertisement proposed is described as "non illuminated double sided, mobile, free standing point-of-sale device to display images of the products and services sold on the premises. This is not a digital sign, the unit contains canvases with a static image and text".
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### Decision

1. The appeal is allowed, and express consent is granted for the display of "non illuminated double sided, mobile, free standing point-of-sale device to display images of the products and services sold on the premises. This is not a digital sign, the unit contains canvases with a static image and text". The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

### 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.

### Preliminary Matters and Main Issue

3. I have taken the above description from the decision notice. It is a concise but accurate version of the description used on the application form. No party will be prejudiced by my use of it. It also includes the non-illuminated element which has been acknowledged by both main parties and taken into account in this recommendation. At the time of my site visit, the advertisement was in situ. The officer report states that the proposal is seeking retrospective consent. I am satisfied, based on the evidence submitted, that the proposal can be considered on this basis.
4. The 2007 Regulations referred to above set out the relevant considerations for this type of appeal which are amenity and public safety. The Council do not have concerns surrounding public safety. I have no reason to disagree with their conclusions. My recommendation therefore focusses on the effect of the advertisement on visual amenity.

## **Reasons for the Recommendation**

5. The appeal site is a well-established petrol station with an existing totem pole adjacent to the proposal which is sited outside of the forecourt area. The signage is situated adjacent to the junction between the A40 (Oxford Road) and the A412 (Denham Avenue). The immediate surroundings are dwellings to the north and a dual-carriage way to the south. The building types surrounding the road are a mix of dwellings, commercial units and petrol stations giving a varied character to the area. The central feature of the area is the wide-open road and modest heights of the buildings. There are instances of other advertisements along the main road of varying scales.
6. The non-illuminated sign is viewed when travelling in both directions along the dual carriageway as well as joining the A40 from the A412. It is of a moderate height and sits in line with and lower than the existing totem pole. Whilst a sign of this nature is larger than normally seen in this locality, its height does not detract from the prevailing character due to surrounding trees, taller totem pole and an otherwise sense of openness to the street scene. It is to be expected in this context that there would be some visually prominent advertisement signs to draw attention to the uses on the roadside. The sign is not unduly prominent and sits comfortably against the commercial units and open road. Whilst it is close to some residential buildings and marginally separated from the forecourt, the sign still reads as a modest addition in the context of the immediate area. In addition, and even in combination with the taller totem pole, it is not viewed as visually cluttering the area.
7. With these matters in mind, the proposal does not result in unacceptable harm to the visual amenity of the area. The Council has drawn my attention to Policy EP7 of the South Bucks District Local Plan 1999 which seeks to ensure that proposals are of a high quality with particular regard to amenity and public safety. For the above reasons the appeal scheme sits appropriately with this policy's aims, but it is a material consideration of the proposal and has not been a decisive tool.

## **Other Matters**

8. There are no highways objections to the appeal signage, and I have no reason to disagree. However, the Council's advice in this regard states that the sign is sited within the highway and would be removed. I have been given no evidence to understand the extent of the highway and whether the signage definitely lies within it. The only reason advertisement proposals can be resisted under the aforementioned regulations is due to either public safety or visual amenity. However, and taking into account my findings, no harm arises in the context of either issue. I can therefore only conclude that this is a matter for the appellant to resolve with the highway authority directly.

## **Conditions**

9. As the sign is non-illuminated, no other additional conditions need to be placed on the consent. The Council's highways advice recommended a condition for no sign to include retro-reflective materials. However, as this express consent is for a non-illuminated static sign, the use of such materials would require an additional consent and a condition to the effect of such would not be relevant.

### **Conclusion and Recommendation**

10. For the reasons given above, the appeal should be allowed in the circumstances and subject to the conditions I have referred to.

*E Street*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions specified.

*John Morrison*

INSPECTOR