



Appeal Decision

Site visit made on 9 June 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/K3605/Z/25/3363207

Land O/S Waitrose, 105 High Street, Esher, Surrey KT10 9QE

- 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 for the display of an advertisement.
 - The appeal is made by Mr Sandash Punj, Trueform Engineering Limited against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/3256.
 - The development is 1 x internally illuminated digital freestanding display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

3. The appeal site is a grassed strip of land between the footpath outside of Waitrose and the vehicular highway known as the High Street. The area is a mix of predominantly commercial on the ground floor with residential above.
4. The appeal site is located adjacent the boundary of the Esher Conservation Area near a number of listed buildings, the nearest being 99-101 High Street and 103 High Street. Paragraph 212 of the National Planning Policy Framework (2024) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
5. Advertisements in the immediate area are predominantly fascia signs on shopfronts. The grassed verge the proposed development would be located contains a utility cabinet and bollard. A pedestrian crossing with traffic lights and associated railings and ramp is nearby, along with another utility cabinet and refuse bin.
6. To the front of Waitrose is a refuse bin, planter, seating, trolley bay, outdoor display under the front canopy and a small free standing lottery advertisement. Railings extend around the side of Waitrose adjacent the car park. There is Waitrose signage within the car park.

7. The proposed advertisement would comprise a modern freestanding unit at a height of 2.75m, width of 1.14m with a display where a static advertisement image would have the capability to change every 10 seconds.
8. The nearest listed building, 103 High Street is set back from the building line as such the setting of it would not be harmed by the proposed development. However, the 99-101 High Street would be viewed in the context of the proposed development.
9. In this location within the grassed verge the scale, illumination and changing images would be a dominant feature harming the setting of the adjacent conservation area and nearby listed building. The proposed development would add to the street clutter and would harm the amenity of the area.
10. The appellant confirms that the maximum brightness will be within the guidelines set by the Institute of Lighting Professions and would not operate between 12pm and 5am. Even so, the location, scale and changing digital image would be incongruous to the area.
11. In assessing amenity, I have taking into account the advertisements within the area. The proposed development would stand in stark contrast to the prevailing pattern of advertisement in the area.
12. I conclude that the display of the internally illuminated digital freestanding display proposed would be detrimental to the amenity of the area and would be an imposing addition to the area.
13. I have taken into account Policy DM15 of the Elmbridge Local Plan, Development Management Plan (2015) which amongst other things supports well designed advertisements which respects the historic environment and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.
14. I find conflict with the Framework which seeks to protect the quality and character of places from poorly sited and designed advertisements.

Conclusion

15. The appeal is dismissed and express consent is refused for 1 x internally illuminated digital freestanding display as applied for.

Chris Pipe

INSPECTOR