
Appeal Decision

Site visit made on 26 May 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 JUNE 2025

Appeal Ref: APP/K3605/Z/25/3363206

Highways Land O/S Killick & Co, 9 High Street, Esher KT10 9RL

- 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 Mr Sandash Punj (Trueform Engineering Limited) against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/3258.
 - The advertisement proposed is 1 x internally illuminated digital freestanding display.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of the development during the consideration of the application to read '1 x internally illuminated digital freestanding display'. This is a more concise description of the proposal and removes superfluous text from that set out in the application form. I have taken the description above which also appears in the appeal form. I am satisfied therefore that the cases of the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.
3. The Advert Regulations confine the assessment of advertisements to issues of amenity and public safety. The Council has not raised any concerns on public safety grounds and I have no reason to disagree.

Main Issue

4. The main issue is the effect of the advertisement on the character and appearance of the area.

Reasons

5. The site comprises a section of pavement in front of Killick & Co on Esher High Street. This section of pavement contains a planter and is the widest part of the pavement on this stretch of the High Street. The site forms the entrance to a one-way slip road used for parking. Surrounding development comprises a terrace of properties with shops/businesses on the ground floor and residential above.

6. The proposal is for the installation of a digital, double sided, freestanding sign approximately 2.6m high, 1.14m wide and 0.28m deep on the pavement outside Killick & Co. The sign would be black with a digital display. The panels would include digital screens where the advertising would change every ten seconds with static images in sequence. The luminance levels of the panels would comply with levels recommended by the Institute of Lighting Professionals and would not operate between midnight and 5am.
7. The proposed advertisement would stand visually apart from any existing signage on a wide section of pavement. Due to its isolated position, overall size, changing images and internal illumination it would draw the eye and form a dominant and visually jarring addition to the street scene. Moreover, the siting of the proposal on the widest section of pavement close to the entrance to the slip road would dominate this section of the pavement. It would be highly visible to passers-by and those waiting in traffic and would therefore appear prominent on the street scene.
8. The presence of advertisements and signs on nearby bus shelters and shops is noted. As is the overall amount of signage and street furniture on the High Street. However, the advertisements on nearby bus shelters form an integral part of existing street furniture and are not freestanding and the advertisements outside shops are typically 'A' boards which are non-illuminated, smaller, discreet and removeable. The surrounding advertisements are therefore different to the proposal in terms of their appearance and location and so do not justify or overcome the particular harmful effects of the proposal.
9. With regards to the overall amount of signage and street furniture on the High Street, the proposal would be located adjacent to a planter, lamppost and bollard which, although not advertisements, do form part of the overall amount of development on the pavement. The location of the proposal adjacent to the aforementioned street furniture would add to the visual clutter on this part of the pavement.
10. I conclude that the effects of the location, size, changing images and illumination of the proposal in addition to the cumulative effect of more street furniture would have a harmful effect on the character, appearance and visual amenity of the area. Although not determinative, in these respects, the proposal would not accord with Policy DM15 of the LP, which amongst other things seeks to ensure advertisements do not harm visual amenity.

Other Matters

11. Reference is made by both parties to appeal decisions ref: APP/K3605/W/24/3345818 (3345818) and APP/K3605/H/24/3345821 (3345821) for a comparable proposal on Esher High Street where it was concluded the erection of free-standing signage would harm the visual amenity of the area and the appeals were dismissed. Whilst the location of the appeals was within Esher High Street, they were also located within a conservation area and the setting of a listed building. Consistency in the planning process is important and like cases should be decided in a like manner, it is also important to reiterate that each case is determined on its own merits and on the basis of the evidence, particularly in relation to matters of character and appearance. As such, I am satisfied that my decision on this proposal is based on its individual planning merit.

12. The benefits of the proposal would be to connect the Council with the public and to promote initiatives. However, such factors do not relate to the interests of amenity or public safety and so they do not influence my assessment of the proposal.

Conclusion

13. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of character, appearance and visual amenity, therefore the appeal is dismissed.

C Coles

INSPECTOR