
Appeal Decision

Site visit made on 16 May 2023

by **A Caines BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/R5510/Z/22/3310365

Pavement outside Natwest, Pump Lane, Hayes UB3 3EW

- 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 Mr Thomas Johnston (J C Decaux UK Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 77300/ADV/2022/41, dated 25 May 2022, was refused by notice dated 15 September 2022.
 - The advertisement proposed is an internally illuminated freestanding double-sided digital advertisement unit - advertised space measuring 1065mm x 1895mm.
-

Decision

1. The appeal is allowed and express consent is granted for the display of an internally illuminated freestanding double-sided digital advertisement unit - advertised space measuring 1065mm x 1895mm, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertising displays shall be no greater than 600 cd/m during the day, and 300 cd/m during hours of darkness.
 - 2) Notwithstanding condition 1, the advertising displays shall be switched off between the hours of 1:00am and 6:00am.
 - 3) The advertising displays shall contain no moving images, animation, video, or any directional information/symbols.
 - 4) The minimum display time for any advertisement shall be 10 seconds and the change between advertisements shall be instantaneous with no visual effect between each advertisement.

Main Issues

2. The main issues are the effect of the proposed digital advertisement unit on visual amenity and public safety.

Reasons

Amenity

3. The appeal site is part of a recently upgraded area of public realm in a bustling local shopping area. There is an array of existing street furniture and other items in the vicinity, including trees, benches, litter bins, a call box, and

an existing freestanding poster advertisement unit, albeit these are largely arranged in an orderly fashion around the perimeter leaving the majority of the space open and uncluttered.

4. The proposal is a replacement for the existing poster display unit at the site. This unit is located on the perimeter of the public space, effectively around the corner and away from the main area of activity. The replacement would have a similarly slender profile and would remain tightly grouped with the existing items of street furniture. Consequently, there would be no increase in the amount of street furniture in this location and no additional cluttering effect. The role and function of this area of public realm as a community focus point would thus be unhindered.
5. The proposal would be slightly taller than the existing poster display unit and would contain digital advertising panels capable of displaying several static images over time. It would therefore have greater visual prominence than the existing poster display unit, particularly in the hours of darkness. Nonetheless, the area is not subject to any sensitive heritage designation and has a strong commercial character with a wide range of illuminated signage. In this context, and given its specific size and siting, the proposal would not be an unduly obtrusive element in the streetscene.
6. For all these reasons, I am content that the proposed digital advertisement unit could be assimilated into this streetscene without causing material harm to the visual amenity of the area. Whilst not decisive, the proposal also complies with the relevant design, public realm, and advertisement objectives of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (SP); Policies DMHB11, DMHB12 and DMHB13A of the Hillingdon Local Plan Part Two - Development Management Policies 2020 (DMP); Policies D3 and D8 of the London Plan 2021 (LP); and Part 12 of the National Planning Policy Framework (the Framework).

Public safety

7. The Planning Practice Guidance (PPG) establishes that advertisements in locations where drivers need to take more care, including junctions and pedestrian crossings, are more likely to affect public safety. The PPG also lists the main types of advertisements which may cause danger to road users as including those which, because of their size or siting, would confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal; and those externally or internally illuminated signs which could distract road users.
8. In this case, the site lies close to a busy town centre roundabout which includes a dedicated cycle path. A short distance to the south is a signalised pedestrian crossing. As such, there are a number of highway factors to take into account which demands a high degree of concentration on the road at this point.
9. I have already identified that the proposal would be more prominent than the existing poster display unit and I am mindful that the static images on the digital display screens would change at regular intervals. However, it is highly significant that the local Highways authority has not objected to the proposal, subject to certain planning conditions being imposed. On the evidence that is before me, it is difficult to understand why the Council opted to depart from the Highway authority view on this matter.

10. Having driven this stretch of road myself, and with the benefit of the existing advertisement display unit as a reference point, I am satisfied that, subject to restrictions on the images that can be displayed, the proposal would not interfere with the clarity or effectiveness of the traffic signals for approaching vehicles.
11. Furthermore, the road curves away from the site when approaching the roundabout and there appeared to be sufficient distance between the edge of the pavement and appeal site so that any pedestrians or bicycles approaching from the left would be clearly visible to oncoming drivers, and vice versa. In addition, the existing advertisement display unit is a long-established feature and I have no evidence that it is a highway safety concern. With appropriate conditions to ensure that only static images are shown, and in relation to their timing and degree of illumination, I can see no reason why the proposal would be materially more distracting than the existing display unit.
12. For these reasons, I find that the proposed digital advertisement unit would not have an unacceptable impact on public safety. Whilst not decisive, the proposal also complies with the relevant public and highway safety aims of Policy BE1 of the SP; Policies DMHB12, DMHB13A and DMT2 of the DMP; Policies D3, D8 and T4 of the LP; and paragraph 111 of the Framework.

Other Matters

13. I have recently dealt with an appeal for a communication hub in this locality¹, which was dismissed. However, that proposal was positioned further to the west and more centrally within the space. It was also not a replacement for an existing advertisement display. Consequently, that previous appeal can be clearly differentiated from the appeal scheme that is now before me. The other appeal decisions listed in the Council's officer report are in different locations with their own specific contexts and circumstances, so have limited bearing on this appeal.

Conditions

14. The additional conditions suggested by the Highways authority in relation to the levels of illumination, time of use, and the speed and frequency of image transitions on the display screens are necessary in the interests of public safety, albeit with some minor changes to the wording to meet the relevant tests.

Conclusion

15. For the reasons given, I conclude that the proposed digital advertisement unit would not be detrimental to the interests of amenity and public safety. Accordingly, the appeal succeeds.

A Caines

INSPECTOR

¹ Ref: APP/R5510/W/22/3294434