



## Appeal Decision

Site visit made on 31 October 2023 by N Manley BA (Hons)

**Decision by S Edwards BA MA MATCP MRTPI**

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

**Decision date: 27 March 2024**

**Appeal Ref: APP/R5510/Z/23/3324217**

**Axis House, 242 Bath Road, Hillingdon, Heathrow UB3 5AY**

- 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 ARM Capital against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 43794/APP/2023/593, dated 28 February 2023, was refused by notice dated 24 April 2023.
- The advertisement proposed is described as "Installation of 1 x internally illuminated digital LED billboard".

### **Decision**

1. The appeal is dismissed.

### **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**

3. The description of the proposed advertisement included on the application form has been amended in subsequent documents. I have adopted the description from the Council's decision notice as this more accurately describes the proposal.
4. In December 2023, the Government published a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as an important consideration, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
5. The control of advertisements is exercisable only with respect to public safety and amenity. Regulation 3 states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
6. In this case, whilst the Council has not raised any objection to the appeal advertisement in relation to public safety, some concerns have been raised by interested parties on this matter. Whilst I acknowledge these concerns, from the evidence before me, and my observations on site, I am satisfied that the proposal would cause no harm to public safety.

## **Main Issue**

7. The main issue is therefore the effect of the proposal on the amenity of the area.

## **Reasons for the Recommendation**

8. The appeal site is prominently situated at the intersection of Bath Road and Bolton's Lane, and positioned in front of Axis House, a residential block of flats. The immediate vicinity surrounding the site is primarily commercial in nature, featuring numerous hotels, restaurants, and office buildings. Bath Road, serving as one of the primary routes from central London to Heathrow Airport, is a wide and busy two-lane road, primarily frequented by cars and experiencing traffic levels consistent with its status as a major thoroughfare. The area to the north of the site has a more suburban residential character.
9. The proposed advertisement would be for a single internally illuminated digital billboard, situated in front of Axis House and set back from the highway. The proposal would be considerably elevated next to the highway and would, primarily, face highway users heading west on Bath Road and north on Bolton's Way. Where the advertisement would be positioned is currently a small, landscaped area, which softens the corner and where Axis House meets the highway. This small greenspace contributes positively to the street scene and to the area's amenity.
10. The proposed positioning of the advertisement would reduce the current space between Axis House and the highway, resulting in a visually cramped, cluttered corner and limiting the visual appearance of the soft landscaping. Furthermore, I find the illumination aspect of the advertisement, when coupled with the proposed sizing, would be incongruous in the locality. Whilst the area is primarily commercial, within the immediate vicinity there is no similar advertisement with a comparable surface size or setting. Of the advertisements nearby and located near the highway, they are generally smaller than the proposal in question. Therefore, by reason of its size, scale and positioning the advertisement would appear as an overly conspicuous and dominant visual feature which the appeal site could not comfortably accommodate, culminating in harm to the street scene and to the amenity of the area.
11. The appellant has drawn my attention to the fact that the proposed advertisement would include a light sensor to automatically reduce illumination to make it resemble a traditional paper billboard. However, this would not overcome the harm caused by the excessive scale of the proposal and its undue prominence within the street scene, and therefore very limited weight is afforded to this consideration.
12. Given the above, the proposed advertisement would be detrimental to the amenity of the area and would therefore conflict with Policy DMHB 13A of the Hillingdon Local Plan Part Two – Development Management Policies (Adopted January 2020) (LPP2) and paragraph 141 of the Framework. Amongst other things, these seek to ensure advertisements complement the visual amenity of the character of the site and surrounding area, do not lead to visual clutter and provide an appropriate type and level of illumination. I have had regard to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (Adopted November 2012), Policies DMHB 11, 12 and 15 of the LPP2 and Policies D3 and D8 of the London Plan (2021), but these focus on the design of development

proposals. Advertisements are not development, and I therefore find that these policies are not directly relevant to the appeal scheme before me.

### **Conclusion and Recommendation**

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*N Manley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*S Edwards*

INSPECTOR