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## Appeal Decision

Site visit made on 27 April 2023

**by Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>TH</sup> May 2023

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**Appeal Ref: APP/R5510/Z/22/3310358**

**Pavement Outside 82 Oxford Road, Uxbridge UB8 1UX**

- 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 J C Decaux UK Ltd against the decision of London Borough of Hillingdon.
  - The application Ref 77294/ADV/2022/35, dated 25 May 2022, was refused by notice dated 15 September 2022.
  - The advertisement proposed is Installation of an internally illuminated freestanding double-sided digital advertisement unit - advertised space measuring 1065mm x 1895mm.
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### Decision

1. The appeal is allowed and express consent is granted for the installation of an internally illuminated freestanding double-sided digital advertisement unit - advertised space measuring 1065mm x 1895mm at pavement outside 82 Oxford Road, Uxbridge UB8 1UX Ref 77294/ADV/2022/35, dated 25 June 2022, subject to the conditions contained in the attached schedule.

### Main Issue

2. The main issue in the appeal is the effect on the amenity of the local area.

### Reasons

3. In accordance with the Regulations<sup>1</sup>, I have taken into account the provisions of the development plan so far as they are material.
4. The proposal would replace an existing small double sided advertisement that is located on the west side of Oxford Road with a 'smart city unit' that would deliver media messages to the passing motorist and pedestrian as a media hub. The existing free-standing street signage forms part of the street furniture within the local area.
5. The nature of the main thoroughfare on the edge of Uxbridge town centre to which it would be located also gives rise to a sense of approach into a commercial area. Advertisements have become a recognisable part of the fabric of such areas to where one exists here.
6. In this commercialised and active context, with a notable amount of street furniture, the proposed development would not appear out of character, even despite the use of illumination that would be a new feature. Nor would this addition lead to a cluttered appearance to the amenity of the area.

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<sup>1</sup> Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The immediate buildings are large in scale and the proposed display would be in context with their scale. Even though it would replace a different style of advert, it would integrate and become absorbed into the street scene without unduly harming the amenity of the local area.
8. Whilst the Local Planning Authority points to various dismissed appeals for adverts, as is my duty, I have considered the facts on the ground and each appeal is determined on its own merits.
9. Consequentially I find no conflict with Local Plan policies in so far as they are relevant to the proposal. Therefore, it would meet the aims and objectives of the Hillingdon Local Plan Part 1 2012 Policy BE1, and Policies DMHB 11, 12 13A of the Hillingdon Local Plan Part 2 2020 in respect of good design as well as the London Plan 2021 Policies D3 and D8. It would also comply with the National Planning Policy Framework that seeks to avoid poorly sited and designed adverts. However, I find no direct relevance to Policy 21 of the Hillingdon Local Plan Part 2 as it refers to telecommunications.

### **Conditions**

10. In addition to the standard five conditions, it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans.
11. In the interests of highway and public safety, conditions are necessary in relation to the advertisement containing no visual effects, having a minimum display time of 10 seconds as well as preventing some display content.
12. In the interests of amenity, conditions relating to levels and hours of illuminance are necessary.

### **Conclusion**

13. For the reasons given above, the appeal is allowed.

*Alison Scott*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Site Plan 1:200, Images Ref – Digital 86' Smart City Unit.
3. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any movement, animation, flashes or pulsation transitional method. No images other than static images to be displayed. No images shall contain directional information/symbols or resemble traffic signage.
4. The minimum time between successive displayed images shall be 10 seconds with the exception of images that gradually and smoothly merge from one to another.
5. The intensity of the illuminance of the advertisement shall be no greater than 300Cdm<sup>2</sup> after dusk.
6. The advertising screen shall be switched off between the hours of 11:00pm and 5:00am.

### **End of Schedule**

