

Appeal Decisions

Site visits made on 7 June 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal A Ref: APP/R5510/Z/22/3310360

Junction of Belmont Road & Bakers Road, Uxbridge, UB8 1JY

- 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 for JCDecaux UK Ltd against the Council of the London Borough of Hillingdon.
- The application Ref 77295/ADV/2022/36, dated 25 May 2022, was refused by notice dated 15 September 2022.
- The proposed advertisement is described as installation of an internally illuminated freestanding double-sided digital advertisement unit.

Appeal B Ref: APP/R5510/Z/22/3310361

Pavement outside 64 High Street, Uxbridge, UB8 1JP

- 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 for JCDecaux UK Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 77296/ADV/2022/37, dated 25 May 2022, was refused by notice dated 15 September 2022.
 - The proposed advertisement is described as installation of an internally illuminated double-sided digital advertisement unit incorporated within a Foster bus shelter
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Appeal C Ref: APP/R5510/Z/22/3310362

Outside Civic Centre, High Street, Uxbridge, UB8 9ST

- 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 for JCDecaux UK Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 77297/ADV/2022/38, dated 25 May 2022, was refused by notice dated 15 September 2022.
 - The proposed advertisement is described as installation of an internally illuminated double-sided digital advertisement unit incorporated within a Foster bus shelter.
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Appeal D Ref: APP/R5510/Z/22/3310363

Pavement outside 9 Belmont Road, Uxbridge UB8 9ST

- 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 for JCDecaux UK Ltd against the Council of the London Borough of Hillingdon.
- The application Ref 77298/ADV/2022/39, dated 25 May 2022, was refused by notice dated 15 September 2022.
- The proposed advertisement is described as installation of an internally illuminated double-sided digital advertisement unit incorporated within a Foster bus shelter.

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is dismissed.
4. Appeal D is dismissed.

Preliminary and procedural matters

5. All 4 appeals involve sites within Uxbridge Town Centre. Three of the proposals are identical, and all four involve the same appellant. The four sites lie within or adjacent to the Old Uxbridge Windsor Street Conservation Area (CA) where I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance, or its setting. Several listed buildings are sited within the historic core of the Town, and I am also required to assess the effect of the proposals on their setting.
6. The appellants were chosen by the Council, following a tender, to upgrade what is described as the Council's existing advertised estate, and to manage and maintain it for a decade. Pre-application discussions were held with the Council's planners about these and other proposals, and the appellants have supplied a precis of the outcome in respect of all sites. The appellants sought the removal of selected existing advertised structures and their replacement with modern digital units.
7. The appellants explain that each unit incorporates two LCD screens which provide an advertising area of just under 2m². The units would show static images that automatically changed every ten seconds in sequence. The appellants, whilst recognising the CA designation, and the presence of listed buildings in various parts of it, stress that these are town centre sites where the surrounding environment is distinctly commercial.
8. Reference has been made to the *National Planning Policy Framework*. Its guidance underlines the fact that the powers under the current Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this context, the development plan policies referred to have been treated as material considerations.

9. The Council raises no concerns regarding public safety but is solely concerned with amenity. I have no reason to disagree with the Council's stance in respect of public safety.

10. I have considered all the proposals on their individual merits.

Main issue

11. The main issue in all appeals is the effect of the proposed advertisements on amenity.

Reasons

Appeal A

12. The CA is split into two, and this proposal is situated at the southern edge of the northern section. It would replace a double sided non-illuminated free-standing advertisement. The Council refers to a 2019 appeal decision¹ where a proposal to display a similar advertisement close to the current appeal site was dismissed at appeal.

13. The appeal site is situated at a gateway to the CA, albeit that the buildings on the southern frontage of Belmont Road are largely commercial in nature reflecting their town centre location. Nevertheless, other buildings in the immediate locality reflect the character of the historic core.

14. The proposed sign, in my view, far from enhancing or preserving the character or appearance of the CA would be perceived as a blatant and discordant intrusion, particularly given its illumination and regular changing movement throughout.

15. The proposal would undoubtedly harm local amenity.

Appeal B

16. The site is currently occupied by a bus shelter standing on a relatively narrow footway. The existing shelter displays an unilluminated advertisement. The intention is to replace the bus shelter and install a double-sided illuminated LCD unit.

17. The site lies immediately outside No 64, or The Old Bank House, which is listed as being of historical or architectural significance (*Grade II*). It is described in the listing documentation as *an 18th century house of careful design*. Although now used as offices, it has retained its character and contributes significantly to the visual qualities of the CA.

18. The existing bus shelter, in my view, given the relative narrowness of the footway compared with its width further south, already detracts from the setting of the listed building. The additional advertisement proposed, particularly on account of its illumination and repetitive display, would draw more attention to the bus shelter, thus further detracting from the setting of the listed building.

¹ Ref APP/R5510/Z/18/3214330

19. The proposal would thus harm the setting of the listed building and fail to preserve or enhance either the character or appearance of the CA. It would prove injurious to amenity.

Appeal C

20. An existing shelter stands on the site and features an unilluminated advertisement. The effect of the proposal would be to replace this with an illuminated two-sided LCD screen. The site is at the edge of the CA, where high Street commercial activities are not as intense as further north.
21. However, the advertisement would be displayed alongside the large, landscaped square which provides an attractive and well-maintained setting for the Civic Centre which is listed for its historic and architectural interest. (*Grade II*).
22. The official list entry attributes its architectural interest as being *an early example of English Post-modernism which creatively reinterprets the Arts and Crafts tradition as an expressive composition of revivalist form and detail..* Its historic interest is derived from being *one of the first major works in England by a Modernist architect² to embrace an overtly historicist aesthetic, marking the emergence of a new architectural zeitgeist.*
23. The listed building designation includes integrated hard landscaping, and the square presents a very pleasant foreground to the high architectural quality of the building beyond. There is little doubt in my mind that the proposed advertisement given its illumination and regular changes of display would detract considerably from the setting of the listed Civic Centre renowned for its architectural and historic significance. There would thus be a highly detrimental and adverse effect on amenity.

Appeal D

24. As with two of the other appeals this involves an existing bus shelter currently displaying an unilluminated advertisement, which would be replaced by an illuminated double sided LCD unit. It would be sited on the opposite side of the road to the proposal in appeal A, outside a building which has a restaurant on the ground floor.
25. The northern frontage of Belmont Road is relatively uncluttered by street furniture, and planters front the low profile buildings adjacent to the bus shelter. There is some low-level intensity advertisement on nearby buildings, including the bank on the corner, but these are muted and largely designed for corporate identification.
26. To my mind, the proposal involves the harmful introduction of an illuminated advertisement with regular changes which would inevitably catch the eye and detract from the local scene, thus proving detrimental to the character and appearance of the CA. It would thus prove damaging to local amenity.

² By the firm of Robert Matthew Johnson-Marshall

Overall findings and conclusions

27. The proposals involve the replacement of existing advertisements by those which are illuminated. I find that they would be uncharacteristic of their sensitive surroundings, even when taking account of existing advertisements on shops and other commercial buildings.
28. Thus, all of the advertisements would have an adverse effect on local amenity, and in two cases on the setting of listed buildings. In all cases, this would include failing to preserve or enhance the character and appearance or the setting of the CA.
29. I note the controls proposed over the luminance of the advertisements, but this does not overcome my concerns.
30. I have taken into account the development plan policies referred to, particularly those seeking to ensure development preserves or enhances the visual qualities of conservation areas, that advertisements should not materially harm the visual amenity of an area and that development affecting heritage assets should conserve their significance. Since I find that all the proposals would result in harm to amenity, they would also conflict with these policies. There would also be conflict with the guidance of the National Planning Policy Framework, in these regards.
31. All other matters raised in the representations have been considered but none outweighs the considerations that led me to my conclusions.
32. For the above reasons I conclude that all the appeals should be dismissed.

G Powys Jones

INSPECTOR