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## 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: 22 May 2023

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**Appeal Ref: APP/R5510/Z/22/3311277**

**1174 Uxbridge Road, Hayes UB4 8JB**

- 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 Wildstone Estates Limited against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 77452/ADV/2022/66, dated 21 July 2022, was refused by notice dated 23 September 2022.
  - The advertisement proposed is described as a replacement digital D-Poster.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Regulations to control advertisements require that decisions are made only in the interests of amenity and public safety. For the purposes of this appeal, amenity includes both the visual amenity of the local area and the residential amenity of neighbouring occupiers.
3. The proposal has been described as a replacement, but at the time of my site visit there was no advertisement in place at the site and the evidence before me indicates that this has been the situation since 2018.
4. As part of the appeal, the appellant is proposing to reduce the maximum luminance during the hours of darkness to 100cd/m<sup>2</sup> and to switch off the advertising display between 23:00pm and 06:00am. I have assessed the proposal on this basis.

### Main Issue

5. The Council has not raised any concerns on public safety grounds and I have no reason to take a different view. Thus, the main issue in this appeal is the effect of the proposed digital advertisement display on amenity.

### Reasons

6. Uxbridge Road is a main arterial road of mixed residential and commercial character. The appeal site is the blank east facing gable end of No 1174, which is part of a short brick terrace with a parade of shops at ground floor and residential accommodation on two floors above. Immediately to the east, but set further back from the road, is a separate terrace of entirely residential properties facing onto Uxbridge Road.

7. The digital advertisement display would measure around 6 metres in width and 3 metres in height. It would occupy the full width of the gable elevation at first floor level and, when operational, would show internally illuminated sequential static images every ten seconds.
8. I saw that the wider surrounding area contains a variety of advertisements, ranging from small format fascia signs above shopfronts, to large format displays along the road and on some gable ends, including some digital displays. This would, to some extent, moderate the net effect of the proposal within the wider street scene. However, the immediate context at the appeal site is more residential in character, and both the gable elevation of the host building and the adjacent properties that the advertisement display would be most closely experienced with, are without any advertisements. Due to its size, prominence, and sequential changing images, the advertisement display would be an eye-catching feature and would have an overly dominant and jarring visual relationship with the host building and the adjacent residential properties. This would be the case even if the levels of illumination, hours of operation, and the speed and frequency of image transitions on the display screen were carefully controlled. Consequently, the proposal would have an adverse effect on the visual amenity of the area, notwithstanding this is not a listed building or within a conservation area. That an advertisement of similar size may once have existed here, does not alter my view that the proposal would be harmful in this regard.
9. Furthermore, the proposal would be located in an elevated position close to the front elevation of the adjacent residential property, No 1172. Whilst the levels of illumination would be within industry guidelines and reduced even further in the darker hours, the large, constantly illuminated images would nevertheless feature prominently in the outlook from the front bedroom windows and when entering or leaving the property, even if not in direct line of sight. This, combined with the regular changeover of images every 10 seconds, would, in my judgement, appear overbearing and cause an unacceptable level of visual intrusion/disturbance for the occupiers of this residential property, to the detriment of their living conditions. I do not accept that this situation is comparable to any static poster display that may once have existed here, and in any event, no such display has existed at the site for some time. Consequently, the proposal would also have an adverse effect on the residential amenity of the neighbouring occupiers at No 1172. The lack of objection from the occupiers is not justification for the harm that would be caused and there are no potential conditions presented that would overcome my concerns.
10. I therefore find that the proposed digital advertisement display would be detrimental in both visual and residential amenity terms. Whilst not decisive, the proposal would also conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012; and Policies DMHB11 and DMHB13A of the Hillingdon Local Plan Part Two - Development Management Policies 2020, in so far as they require proposals, including advertisements, to complement the individual building of which they form a part, contribute positively to the local area, and protect the amenity of adjacent residential properties.

### **Other Matters**

11. The appellant has provided photographs of a number of similar gable end advertisements that have apparently gained consent, but these are all in different locations with their own specific contexts and circumstances. As such, these examples have limited bearing on my assessment of this appeal and I have necessarily reached my own conclusions based on the site-specific considerations in this case.

### **Conclusion**

12. I have found that the proposed advertisement display would be detrimental to the interests of amenity. Accordingly, the appeal should be dismissed.

*A Caines*

INSPECTOR