

Appeal Decision

Site visit made on 16 January 2017

by P Eggleton Bsc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2017

Appeal Ref: APP/C1055/Z/16/3159216

Land adjacent to the Intu Centre Car Park, The Cock Pitt, DERBY DE1 2NF

- 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 S Dayeh on behalf of DayLite Signs against the decision of Derby City Council.
 - The application Ref DER/06/16/00683, dated 2 June 2016, was refused by notice dated 1 August 2016.
 - The advertisement proposed is two double sided LED displays.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisements on amenity

Reasons

3. The proposal would result in two large advertisements within the open grassed area outside the multi-storey car park. This is a predominantly commercial area that is dominated by the large shopping centre and its car park. The wide main road that adjoins the site and the access roads that serve the car park and shops also contribute to the very urban and commercial character of the area. There are other free standing signs in the vicinity, with the nearest immediately to the southwest. Although that sign is a prominent feature in views from the northeast, it is also relatively discreet within the wider area given the backdrop of the main shopping centre building but more importantly, because of its position between trees to one side and buildings to the other.
 4. This proposal would stand in isolation within the open grassed area. The signs would also extend relatively closely to the access road that serves the car park. Although the two signs would be angled to address the main views, their isolated position, with roads to all sides, would also allow views from many other vantage points. The size of the signs, relative to the scale of the car park building, would not be excessive but they would be overly large in relation to the scale of the grassed area within which they would be set, particularly as they would not be centrally located within it. Although they would add some interest to this open space, they would be overly dominant because of their overall scale and forward position relative to the main road.
 5. The plans indicate that the frames of the signs would have some architectural interest but I am not satisfied that this would be sufficient to justify such a
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prominent and exposed position. Overall, rather than provide an interesting focal point to this unused space; and despite the scale and dominance of the back drop of the adjacent building, the scale and position of the signs would result in them being overly dominant and cramped within the immediate setting.

6. Paragraph: 078 Reference ID: 18b-078-20140306 of *Planning Practice Guidance* requires that the local characteristics of the neighbourhood be considered. It indicates that a large poster-hoarding may be permitted in an industrial or commercial area where there are large buildings and main highways. In this respect, I find support for such additions to the townscape. However, I find the detail of the proposal, specifically the combined scale and the dominance of the space in which the structures would be set, to adversely affect the visual amenity of the area. In this respect, the adverts do not gain overall support from the guidance.
7. As the particular details of the proposal would result in harm to the local environment, it would be contrary to Policy E26(a) of the City of Derby Local Plan Review 2006. The Regulations, the *National Planning Policy Framework* and the *Guidance* require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. However, I have taken them into account as material considerations. I have also had regard to the content of the *Framework* but consider that the specific position and size of the displays would result in poorly placed advertisements in these particular circumstances.
8. I have had regard to all the matters put forward by the appellant but I do not find that they outweigh my concerns. The appellant has asked that the signs be considered individually if not found to be acceptable in tandem. This would materially alter the proposal considered by the Council but in any event, I am not satisfied that the exact position or form of either advert would represent the best design solution given the nature of the site. I conclude that the appeal must be dismissed in the interests of amenity.

Peter Eggleton

INSPECTOR