

## Appeal Decision

Site visit made on 16 May 2017

**by L Fleming BSc (Hons) MRTPI**

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

**Decision date: 31 May 2017**

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**Appeal Ref: APP/B0230/Z/17/3171255**

**Advertising Right 000301-02 Adjacent to 15 Crawley Road, Luton LU1 1HX**

- 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 Paul O'Sullivan (Insite Poster Properties Ltd) against the decision of Luton Borough Council.
  - The application Ref 16/02011/ADV, dated 10 November 2016, was refused by notice dated 11 January 2017.
  - The advertisement proposed is replacement of existing 48-sheet advertising display with 48-sheet digital display.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed advertising display on the amenity of the area and on public safety.

### Reasons

#### *Public safety*

3. The proposed advertising display would be mounted on an end terrace adjacent to Telford Way close to its junction with Crawley Road. Telford Way is a busy two way strategic road with four lanes. To the north east of the appeal site are a set of traffic lights before Telford Way meets a traffic island connecting it to other main roads.
  4. It is contested whether the existing static adverts displayed on the appeal premises benefit from consent. However, even if I were to accept they do, the proposed advertisement display differs in that it is digital and would result in frequent changes in the images displayed.
  5. Even though the change in display would be instantaneous, non-interactive and would not change more than once every 10 seconds any change in image would draw the eye and encourage a motorist to look towards the display to see the new images.
  6. I accept that any views away from the road towards the display would be for a short time period. I also note that due to the volumes of traffic and traffic lights, vehicles travel along Telford Way at a relatively low speed. However,
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given the large volume of traffic using Telford Way and the proximity of the proposed display to the junction with Crawley Road, even a short distraction would increase the risk of collisions between vehicles entering or leaving Crawley Road and vehicles travelling north east along Telford Way. For the same reasons there would also be a risk of collisions between vehicle heading south west on Telford Way and vehicles entering or leaving the Crawley Road Car Park access road.

7. In reaching these conclusions, I note the appellant's evidence shows a relatively low level of accidents in the area. However, there is nothing before me to indicate this would remain the case with the proposed advert display in place.
8. Thus for the reasons given, I find the proposed conditions would not overcome the harm I have identified and overall I find the proposed advertisement display would prejudice public safety in the area.
9. For the same reasons, although not decisive, in this regard the proposed advertisement display would conflict with the aims of saved Policies LP1 and ENV9 of the Luton Local Plan (2006) (LP) which seek to ensure good design and a safe environment.

#### *Amenity*

10. The main roads, large car park opposite the appeal site together with the varied mix of uses in the area give it a commercial character and appearance.
11. I acknowledge the appeal site is in a prominent position. However, the proposed display would be fixed to a relatively large side elevation which is free from any significant detail. Whilst the casing needed to house the equipment would result in the proposed display projecting from the wall, this projection would not be noticeable in the street scene.
12. Even though the proposed advertisement display is large much of the side elevation of the appeal building would remain and the proposed display would break up its mass and add interest to a building of bland appearance.
13. Therefore even taking into account the brightness of the proposed display and other adverts in the area the proposed adverts would not appear out of place or result in an over proliferation of adverts in an area which has a commercial character and appearance.
14. Thus, for these reasons, I find the proposed advert display would not harm the visual amenity of the area. For the same reasons, whilst not decisive in my decision, in this regard the proposed advert display would accord with the aims of saved Policies LP1 and ENV9 of the LP which seek to ensure good design.

#### **Other Matters**

15. I have attached little weight to the Council's concerns with regard to the proposal setting a precedent for other similar forms of advert in the area as each case should be considered on its merits.

#### **Conclusion**

16. For the reasons given above, whilst I have found the proposed advertisement display would not harm the amenity of the area I have found it would prejudice

public safety. Thus having had regard to all other matters raised on balance I conclude the appeal should be dismissed.

*L Fleming*

INSPECTOR