The Planning Inspectorate

Appeal Decision

Site visit made on 6 June 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/U1620/Z/17/3169834
Land adjacent to Metz Way, Triangle Park, Metz Way, Gloucester GL1 1AH

- 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 Ben Porte, Insite Poster Properties against the decision of Gloucester City Council.
- The application Ref 16/01545/ADV, dated 7 December 2016, was refused by notice dated 31 January 2017.
- The advertisement proposed is the erection of 2 no. digital LED advertising displays and associated structure.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the advertisements on the visual amenity of the area.

Reasons

3. The two internally illuminated digital 48-sheet LED displays would be positioned on land in front of Rygor Mercedes in a 'V' shaped arrangement so as to be primarily seen from both directions travelling along the adjacent elevated section of the A4302 Metz Way.

4. I acknowledge that Planning Practice Guidance suggests that advertisements may be permitted in an industrial or commercial area of a major city, where there are large buildings and main highways and where the advertisement would not adversely affect the visual amenity of the locality. However, whilst the appeal site is situated on the edge of a commercial area on the northern side of Metz Way, this is set significantly below road level and the level of the proposed signage. Consequently, the signage would not in the main be perceived in a commercial setting or visually compete with any other existing commercial signage within the area, which in any case is of a lesser scale and prominence.

5. The approach to the appeal site from the west in particular is largely characterised by road side trees. When these stop the main view is of the hills in the distance and the sky above, rather than Triangle Park. The eastern approach would in part be seen alongside Triangle Park in more distant views, but this would largely disappear within a closer context.

6. Consequently, the significant scale and prominent positioning of the displays would appear dominant and incongruous and would unacceptably detract from the character and appearance of the area. This harm would not be acceptably mitigated by minimising the level of illumination.

7. I therefore find that the signs are harmful to the visual amenity of the area, thereby conflicting with Gloucester Local Plan Second Stage Deposit Local Plan 2002 (LP) Policy BE.11, which states, amongst other matters, that advertisements must be appropriate in scale, design and materials to the character and appearance of the street scene in which it is located. The signage also would also conflict with paragraph 67 of the National Planning Policy Framework which highlights that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

8. The Council's reason for refusal also refers to conflict with LP Policies BE.21 and ST.8. However, these policies primarily relate to proposals for new development rather than advertisements and the regulations to control advertisements require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal. I have also noted the Council's concerns regarding precedent but I have determined this appeal on the individual merits of the case.

9. Thus for the reasons given above, and having considered all other matters raised, I conclude that the proposal is unacceptable on visual amenity grounds and the appeal should be dismissed.

Richard S Jones

INSPECTOR