

Appeal Decision

Site visit made on 17 July 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 27th July 2017

Appeal Ref: APP/F1040/Z/17/3177211

TBT Tyres, Barn Cottage, Stenson Road, Derby, Derbyshire DE23 1LG

- 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 Joginder Singh Kainth against the decision of the South Derbyshire District Council.
 - The application Ref 9/2017/0152, dated 30 January 2017, was refused by notice dated 5 May 2017.
 - The advertisement proposed is described as 'Illuminated Advertising Board'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
3. The application form describes the proposal as an 'Upright Board'. However, the Council's decision notice more accurately describes the proposed development as an 'Illuminated Advertising Board'. I have considered the appeal on this basis.

Main issue

4. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

Amenity

5. The appeal site is located within an established industrial/commercial area. The proposal is as described above and would be sited approximately 5.3m above ground level on a timber frame, positioned adjacent to the northern boundary of the site, set back approximately 85m from the main entrance to the site. As such, the proposed advert would not be visually prominent when viewed from Stenson Road. However, the proposal would be located in close proximity to the shared boundary with the adjoining residential properties in Earls Drive and therefore would be clearly visible by the occupiers of those
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properties. Consequently, the advertising board would appear visually intrusive and unduly dominant due to its proposed height, size and illumination. Therefore, the proposal in this site specific location would result in material harm to the amenity of the area.

Other considerations

6. I have carefully considered the economic benefits to the appellant's business including the potential to increase trade. Furthermore, I have taken account of the National Planning Policy Framework and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement and advertisements potentially being more favoured in commercial areas. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described. Consequently, all the points raised by the appellant do not outweigh the concerns which I have in respect of amenity.
7. In relation to the appellant's request for advice and guidance in relation to alternative solutions, this is a matter that would need to be addressed directly with the Local Planning Authority.

Conclusion

8. For the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR