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# Appeal Decision

Site visit made on 1 August 2017

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 4<sup>th</sup> August 2017**

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**Appeal Ref: APP/J3015/Z/17/3173535**

**AJW Motors, Highway Garage, Nottingham Road, Attenborough, NG9 6DP**

- 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 Wayne Smith against the decision of Broxtowe Borough Council.
  - The application Ref 16/00812/ADV, dated 19 November 2016, was refused by notice dated 7 April 2017.
  - The advertisement proposed is 4 flags.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The proposed flags have already been erected and the appeal is therefore retrospective in nature.

## Main Issue

3. The main issue is the effect of the proposed advertisements on public safety.

## Reasons

4. The flags are positioned along the site frontage to Nottingham Road, which is a busy dual carriageway. They are made of a lightweight material and are 0.85 metres in width according to the submitted details. They are hung from poles that are close to the back edge of the footway.
5. The position of the poles allows the flags to significantly overhang the footway. At the time of my site visit there was a moderate breeze and I observed the flags blowing outwards over the footway. During high winds, the flags could flick out and hit pedestrians or cyclists on the pavement. This could cause them to stumble into the road. In this regard, cyclists would be particularly vulnerable and would be more likely to use the pavement in this location given the high volume of traffic on the road.
6. A metal cabinet, a speed limit post, and a lamppost are positioned across the site frontage. However, none of these are directly in front of one of the flags. Whilst they may influence the route pedestrians take when walking past the site, they do not provide a significant barrier. In this regard, pedestrians and cyclists would still be likely to pass next to the flags when walking in twos or passing one another.

7. The flags are also positioned close to an access onto Nottingham Road that is used by a number of businesses, including a training centre. However, the position of the flags and the fact that they are not solid, limits their effect on visibility from this junction. A clear view is still available to the east, and the flags do not prejudice highway safety in this regard. However, that does not overcome the concerns I have set out above.
8. Accordingly, I conclude that the display of the advertisements is detrimental to the interests of public safety.

### **Conclusion**

9. For the reasons given above I conclude that the appeal should be dismissed.

*Thomas Hatfield*

INSPECTOR