
Appeal Decision

Site visit made on 18 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/J0540/Z/17/3172808

Land at Hodney Road, Eye, Peterborough PE6 7YW

- 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 Tony Bourdet against the decision of Peterborough City Council.
 - The application Ref 16/02391/ADV, dated 16 December 2016, was refused by notice dated 22 March 2017.
 - The advertisements are described as three freestanding metal structures, each to be fitted with one non illuminated advertisement.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I have used the Council's description of development which I consider to be more accurate.
3. The advertisements were already in place at the time of my site visit and I have dealt with the appeal on that basis.
4. The content of the advertisements have changed since the Council's decision. At the time of my site visit I saw that one was advertising a business called "Oasis" and the other 2 were promoting themselves as being available advertisement space. Consequently, I have determined this appeal on the basis that it is intended for the advertisement content to change in a manner similar to that of an advertising hoarding or poster panel.

Main Issues

5. The main issues are the effect of the advertisements on the visual amenity of the area and on public safety.

Reasons

Visual amenity

6. The appeal site is a gap in the established hedgerow vegetation that defines the northern edge of the A47. It is close to the former section of Hodney Road leading into Eye which was severed by the construction of the A47. The site is not at the entrance to any established business. The setting is open and relatively flat countryside to the west, north and east. To the south, beyond

the A47, the topography rises; and behind substantial hedges and trees lies the pleasant rural village of Eye.

7. The 3 non-illuminated double-sided advertisements each measure approximately 2.65 metres wide and 1.2 metres high. They each sit on the top of a freestanding metal stand of around 3.4 metres in height. The overall height is mitigated to a degree by the appeal site and surrounding open countryside being slightly lower than the A47. The effect is therefore to provide the advertisements in the driver's eye lines as they approach them.
8. When approaching from the west there is some established deciduous vegetation which partially interrupts the views across the open fields. However, from the east the advertisements are viewed against open countryside. There are no other advertisements within the immediate surrounding area that are not highway traffic signs. Consequently, the structures and their advertisements are an incongruous addition to the area by virtue of their cumulative effect, siting, height, design and double-sided nature. They are out of character with the surrounding open countryside setting.
9. Given the above, I find that the 3 advertisements cause significant harm to the character and appearance of the area to the clear detriment of visual amenity.

Public safety

10. The appeal site is set back slightly from the A47 trunk road. At the time of my site visit, which is only a snapshot in time, there was a steady flow of traffic in both directions on the A47. Whilst it is a wide and straight section of road between two roundabouts, it is a busy road that links the A1 and Peterborough with Norfolk and South Lincolnshire.
11. The group of 3 advertisements are within close proximity to each other thereby partially obscuring each other. This in combination with the relatively small text, particularly the email address, would mean that drivers passing by would be unlikely to see the text sufficiently clearly from a reasonable distance away. Drivers therefore need to be quite close before they had the opportunity to assimilate the information on the 3 advertisements. This is therefore likely to cause a distraction as drivers would strain to read the advertisements and consequently modify their driving behaviour to the detriment of other road users. Whilst the appellant suggests that there have been no records of road traffic collisions within the vicinity of the advertisements, I have no other evidence before me to substantiate this matter.
12. I find that the 3 advertisements result in harm to highway safety and thereby prejudice the conditions of public safety.

Other matters

13. The appellant suggests that the non-illumination of the advertisements reduces the harm to the visual amenity. However, this does not make the advertisements acceptable in this case.
14. Whilst I acknowledge there have been some letters in support for the signage submitted, I must determine the appeal in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Limited support does not outweigh the substantial harm I have found to visual amenity and public safety.

15. Reference has been made to the need for advertisements to maintain economic growth. Be that as it may, neither the local or national planning policy would provide support for advertisements which harm amenity and public safety. I note that the advertisements are not linked to any local business operating at the site location.
16. I have been referred to other advertisements within the wider area. I did view these on my site visits. However I have no evidence before me to indicate whether or not these other advertisements have the benefit of consent. Consequently I can give this matter limited weight in my determination of this appeal.
17. It is stated by the appellant that the current advertisement signs were erected in 2011, but replaced signage erected in 2009. Whilst I acknowledge the appellant's view that the Council has had an opportunity to take action against the signage, I must determine the appeal before me on its own merits.

Conclusion

18. In their reasons for refusal, the Council has cited Policy CS16 of the Peterborough Core Strategy and Policy PP2 of the Peterborough Planning Policies. However, the power to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 may only be exercised in the interests of amenity and public safety, taking account of any material factors. I have taken into account these policies which seek to protect amenity and public safety and so are material in this case. Given my concerns, there is conflict with these policies and paragraph 67 of the National Planning Policy Framework.
19. For the above reasons and having regard to all other matters raised I conclude that the 3 advertisements have a detrimental effect on visual amenity and public safety. The appeal is therefore dismissed.

Rachael A Bust

INSPECTOR