



Appeal Decision

Site visit made on 11 April 2019

by Jan Hebblethwaite MA Solicitor (Non-practising)

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/C1055/Z/19/3220760 135 Green Lane, Derby DE1 1RZ

- 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 Space Outdoor Ltd against the decision of Derby City Council.
 - The application ref 18/01664/ADV, dated 2 November 2018, was refused by notice dated 23 December 2018.
 - The advertisement proposed is 1 no. 48 sheet internally illuminated advertising display unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the policies it considers 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.

Main Issues

3. The main issue is whether the proposed advertisement would preserve or enhance the character or appearance of the Green Lane and St Peters Conservation Area ("CA").

Reasons

4. The appeal site is on the southern edge of the CA which is dominated by high-density Victorian terraced housing with enclosed built-up frontages and some Georgian buildings.
5. The site of the proposed advertisement is the flank wall of what is now an end of terrace three storey property. Although the property was built as a mid-terrace house, the construction of the large roundabout on the Inner Ring Road resulted in demolition of the attached house, exposing the flank wall. The immediate locality is mixed with some residential use and some commercial uses. These appeared to me on my site visit to be either retail or office related uses. The properties on this side of Green Lane form traditional 19th century terraces which have retained many of their original features adding positively

and distinctively to the significance of this part of the CA. The properties on the other side of Green Lane are more varied.

6. The wall proposed for the advertisement faces the Ring Road roundabout. However, it would not be viewed in isolation but seen in the context of the historic buildings in Green Lane behind it. The advertisement would introduce an illuminated display at a high level which would be of a size which would appear to cover a large percentage of the flank wall. As such, the advertisement would be highly prominent. Whilst this may be an ideal situation for an advertisement, its size and prominence would appear stark and incongruous when viewed in its setting against the terrace of Victorian houses. There is a marked difference in the character of the roundabout and that of the CA in Green Lane. The significance of the flank wall on the boundary between the two is therefore highly important to the setting of the CA. The introduction of an advertisement of the size and prominence proposed would be visually intrusive and would detract from the character and appearance of the CA, in a place where the difference in character between the traditional and the modern should be clearly seen.
7. Saved policy E26 of the Derby City Local Plan deals with advertisements and confirms that consent will be granted provided the advertisement proposed would not detract from the appearance character or setting of a building on which it would be displayed, especially where it lies within a CA. The policy continues to allow for larger displays where they obscure and unsightly wall and improve the appearance of the street scene. As I am of the opinion that the wall is not unsightly and the advertisement would be incongruous in the setting of the CA, I consider that the proposed advertisement would be contrary to Policy E26 and to Core Strategy Policy CP20 which seeks to protect the historic environment through preservation, enhancement, restoration and repair.
8. The Appellant refers to other advertisements in the immediate locality. I agree that the commercial area containing "Speedy's Auto Centre" and a car park to the east of the appeal site does have some advertisement signage. However, these are for the most part at a much lower level than that proposed. They are smaller and not illuminated. They are not within the CA nor are they viewed in the context of the CA. For those reasons, I do not consider that the existing signage is comparable to the advertisement proposed, nor do I consider that the appeal site is part of the commercial area to the east.
9. For the above reasons, I conclude that the proposed advertisement would fail to preserve the character and appearance of the Green Lane and St Peters Conservation Area and would be detrimental to the interests of visual amenity. It would therefore be contrary to Saved Policy E26 of the Derby City Local Plan and Policy CP20 of the Council's Core Strategy, which seek to regulate advertisements and protect the historic environment and Core Strategy Policy CP4 which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal is harmful to amenity, it also conflicts with these policies

Conclusion

10. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

INSPECTOR