



Appeal Decision

Site visit made on 19 August 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPi

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/J4525/Z/19/3232637

61 Hylton Road, Sunderland, SR4 7AB

- 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 Laura Stoker against the decision of Sunderland City Council.
 - The application, Ref 19/00497/ADV, dated 14 March 2019, was refused by notice 24 May 2019.
 - The development proposed is described on the application form as follows: *replacement of two 48 sheet advertising displays with a single 48 sheet digital advertising display. - Display of illuminated static images on a 10 second sequential rotation - No special effects including animation, flashing or fading - Illumination - replication of near ambient conditions. Day - max 600 candela/sqm. Night - max 300 candela/sqm.*
-

Decision

1. The appeal is allowed, and express consent is granted for the replacement of two 48 sheet advertising displays with a single 48 sheet illuminated digital advertising display¹, at 61 Hylton Road, Sunderland, SR4 7AB, in accordance with the terms of application Ref 19/00497/ADV, dated 14 March 2019, and subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) Illumination of the advertising unit shall not exceed 300 candela/sqm during daylight and 150 candela/sqm at night time.
 - 2) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.
 - 3) The sequencing of messages relating to the same product is prohibited.
 - 4) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - 5) The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.

¹ The description has been amended for clarity.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed advertisement on visual amenity of the area.

Reasons for the Recommendation

4. The appeal relates to the replacement of two existing non-illuminated advertisement displays on the gable wall of a two-storey end of terrace building. The site is located at the junction of Wentworth Terrace and Hylton Road which is predominantly commercial in nature with rows of terraced housing located to the rear. To the other side of No. 61 is a highway and St Marks Church which is set back from the highway with spacious grounds to the front.
5. The proposal seeks to remove two advertisement displays and replace them with one digital illuminated display. A new image would materialise every 10 seconds with the interchange between each image virtually instantaneous. The size of the display would be similar in height and width to the current display and would see a marginal increase in its depth. The display would be located in a similar location on the gable wall nearest to Hylton Road.
6. The replacement of two advert displays at this location with one that displays illuminated static images would not increase the visual prominence of the advert. It would be located on the gable wall that forms part of the commercial character of the area. It would mainly be visible when approached by oncoming traffic along Hylton Road, access to Wentworth Terrace and St Marks Church. Given the commercial setting and the separation distance from both the residential properties located along Wentworth Terrace and St Marks Church, the proposal would not impact on the visual amenity of the occupiers of these buildings or the open setting of the Church. The materials would be new and modern and this against the backdrop of the gable wall would improve the quality and character of the area. It would not, therefore, affect visual amenity nor, by reason of its size, position, illumination, have a materially greater impact on the visual amenity or the character of the area as the hoarding it would replace. The general interests of amenity would be upheld.
7. Account has been given to paragraph 132 of the NFFP and Policy B21 of the City of Sunderland Unitary Development Plan (1998) (DP) which is considered material in this case. Given that it is concluded the proposal would not harm amenity, the proposal does not conflict with these.

Conditions

8. Alongside the standard conditions to be attached, the Council and appellant have suggested a number of additional conditions. The Council propose that a condition which restricts the operation and illumination of the display during the hours of darkness be attached. This condition would be unreasonable as it is too imprecise and may leave the appellant in doubt as to what they can and can't do.

9. The appellant has proposed a condition which reduces the illumination levels by 50% from maximum 600 candela/sqm during daylight and maximum 300 candela/sqm during the night to 300 candela/sqm during daylight and 150 candela/sqm at night. This condition appears necessary and reasonable to protect the amenity of the area.
10. Both the Council and appellant have agreed that a number of further conditions be attached which secure the minimum display time for each advertisement; the sequencing of messages relating to the same product to be prohibited; that the interval between successive displays shall be 0.1 seconds and to freeze an advertisement in the event of any malfunction. These conditions all appear necessary and reasonable in order to protect the amenity of the area and have been attached alongside the standard 5 conditions.

Conclusion and recommendation

11. For the reasons given above the advertisement is acceptable in terms of amenity, it is recommended that the appeal should be allowed, subject to the five standard conditions and the additional ones as set out above.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal should be allowed subject to conditions.

A U Ghafoor

INSPECTOR