



Appeal Decision

Site visit made on 4 October 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/U1620/19/3232315

110 Painswick Road, Gloucester GL4 6PT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended against a refusal to grant express consent.
 - The appeal is made by Mr Richard Page of Insite Poster Properties against the decision of Gloucester City Council.
 - The application Ref 19/00276/ADV, dated 14 March 2019, was refused by notice dated 23 May 2019.
 - The advertisement proposed is described on the application form as 'replacement of existing 48-sheet advertising display with a 48-sheet digital advertising display.'
 - Display of illuminated static images on a 10 second rotation.
 - No special effects including animation, flashing or fading.
 - Illumination: Day max 600 candela/sqm. Night max 300 candela/ sqm.'
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I understand that the existing 48 sheet hoarding on the south-east facing gable elevation of No 110 Painswick Road, by virtue of being in place for more than 10 years, has deemed consent under Class 13, Part 1, Schedule 3 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended (the 'Regulations'). The area available for paper-and-paste advertisement is therefore 3m by 6m, i.e. excluding the billboard frame. The hoarding is set some 2.5m above ground level.
3. Consent is sought for a replacement illuminated unit to be in place for 10 years. The appellant advances five additional conditions to the standard conditions under Schedule 2 of the Regulations to secure the operation of the display. That is with reference to the description of the proposal reproduced in the banner heading above and to guidance produced by the Institute of Lighting Professionals.¹ I note that proposed condition B would require reduced luminance levels than originally proposed: 300 candela per square metre (cd/m²) during daylight hours and 150cd/m² from dusk to dawn. I have assessed the scheme on that basis.

¹ Professional Lighting Guide (PLG 05); Brightness of Illuminated Advertisements (January 2015).

4. In accordance with Regulation 3, paragraph 132 of the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG'),² I have considered solely matters of amenity and public safety. In that context I have taken account, as material considerations, of relevant provisions of the development plan, namely policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 11 December 2017, the 'JCS') and of the Council's Shopfronts, Shutters and Signage Design Guidelines for Gloucester Supplementary Planning Document (adopted November 2017).³

Main issue

5. The billboard is next to the roundabout junction of Eastern Avenue (A38) and Painswick Road (B4073), facing traffic proceeding north-westwards along the latter. Neither the Council, nor Gloucestershire County Council, object to the effects of the proposal on road safety. There is nothing to lead me to a different finding in that respect, or otherwise as regards safety more broadly.⁴ The main issue is therefore the effect of the proposal on the amenity of the area.

Reasons

6. As set out above, I understand that the existing billboard has deemed consent. Nevertheless the Council's officer report associated with application Ref 19/00276/ADV sets out that it is 'poor in terms of visual amenity'. Whilst there is potentially a somewhat stricter test for service of a discontinuance notice to that which applies in respect of applications for express consent,⁵ there is no indication that the latter is being pursued.
7. In that context the area available to advertising would not be altered by the proposal, with the unit proposed slightly larger and deeper than the existing hoarding. The appellant provides photographs of a scheme elsewhere to support the argument that the low luminance level now proposed, on account of ambient light levels, would appear 'no brighter, or more prominent than the unilluminated poster advert'.⁶ Restrictions on dynamic imagery could be imposed via appropriately-worded conditions, as the appellant has indicated.
8. The surrounding area is, in part, characterised by highways infrastructure. There are also occasional commercial uses nearby to the south-west of the roundabout. Some of those uses have advertisements, such as the totem at a garage and shop. Some are illuminated, such as fascia signs. There is also streetlighting here, crossings marked by Belisha beacons, and various signage and street clutter consistent with a relatively central urban location.
9. The PPG sets out how it may be that, 'a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in

² Reference ID: 18b-026-20140306 in particular.

³ Essentially reflecting relevant provisions of the JLP and NPPF, section 4.5 of the Design Guidelines explains that 'the amount, type and design of illumination in all cases must be sympathetic to the building and the street scene'. Nevertheless that document relates principally to signage related to shopfronts, rather than directly with freestanding advertising hoardings of the type proposed in this instance.

⁴ There is no indication the safety of the highway network here is a cause for concern, particularly given the extent of change proposed compared to the existing billboard, that the unit would obscure or hinder the interpretation of any signage, or adversely affect the operation of any traffic security/ surveillance equipment.

⁵ Regulation 8 specifies that a discontinuance notice may be served where necessary to remedy 'a substantial injury to the amenity of the locality' (my emphasis).

⁶ At 851 Uxbridge Road UB4 8HZ.

an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.⁷ The area is not formally protected on account of its character or heritage, and I saw that there are several top-lit comparably-sized hoardings further along the B4073 to the north-west (close to the junction with Chequers Road and rail underpass).

10. There are therefore are various contextual factors that would moderate the net effect of the proposal. However the existing hoarding does not contribute positively towards local amenity. The area is also in part, particularly along Painswick Road north-west of the roundabout junction, residential in character. As with many others, No 110 Painswick Road appears to be a late nineteenth century terraced property (or potentially later but to a similar typology). The existing billboard occupies a significant proportion of the gable elevation of a relatively modest property. That results in an overly-dominant relationship, one which would be exacerbated by the greater total scale of the unit proposed. I note that the proposed unit would project awkwardly, albeit fractionally, above the roof slope of the property.
11. I acknowledge that the luminance levels now proposed are lower than that which is commonplace of billboards in many locations. However I do not accept that an illuminated display would result in no greater visual prominence than a paper-and-paste display. Luminance would be constant, whereas ambient conditions are changeable (depending on the weather, for example). In particular there is no technical analysis of observed light levels here during dusk to dawn, relative to the effect of 150cd/m². In my view that level of illumination across a substantial display area is highly likely to significantly exceed ambient lighting, including that generated by the street light between No 110 and the roundabout.
12. The photograph of the existing billboard and surroundings compared to the proposed scheme do not appear to be calibrated relative to one another. Moreover the tones and hues of the advertisement shown differs, preventing direct comparison.⁸ That is similarly the case of the photograph reproduced of a scheme in Uxbridge referenced above; photographs cannot readily capture luminance as experienced on the ground. Changing images, however quick or seamless, also inevitably draw the eye to a greater extent than a static display.
13. Notwithstanding some commercial uses and advertising relatively nearby, I was unable to identify any other hoardings of comparable scale or type in the immediate vicinity. Those by Chequers Lane are in a more mixed environment, and are also not back-lit. Aside from highways infrastructure, occasional commercial uses referred to above, and a cemetery, the wider surroundings to the appeal site in all directions are principally residential. The area cannot therefore reasonably be characterised as an 'industrial or commercial area', the terminology used in the PPG cited above.
14. In scale the proposal would appear awkward and excessive relative to the existing situation and immediate context. Illumination and changing images would result in advertising here appearing more visually prominent and eye-

⁷ Reference ID: 18b-079-20140306

⁸ INS14006-03, INS14006-04.

catching. That would be in the context of a mixed area, albeit with much residential development, where there is comparatively limited illumination and advertising. By consequence the proposal would, in my judgement, result in an incongruous presence that would be detrimental to the street scene and to prevailing character and amenity. Accordingly the proposal would also conflict with the relevant provisions of JCS policies SD4 and SD14 and NPPF paragraph 132, which, in summary and amongst other things, seek to ensure that all proposals integrate appropriately with their surroundings.⁹

Conclusion

15. For the above reasons, having had regard to the relevant provisions of statute, the development plan as a whole, the approach in the NPPF, and to all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁹ SD14 being relevant in broad terms, albeit principally focussed on living conditions, nuisance and hazards. I also note that table SD4b linked with JLP policy SD4 sets out that 'visual clutter and confusion, especially from signs and advertisements' should generally be avoided.