
Appeal Decision

Site visit made on 1 October 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/W3710/Z/19/3234711

78 Coventry Road, Exhall, Coventry CV7 9EU

- 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 Insite Poster Properties Ltd against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 036397, dated 13 May 2019, was refused by notice dated 4 July 2019.
 - The advertisement proposed is replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display at 78 Coventry Road, Exhall, Coventry CV7 9EU in accordance with the terms of application Ref 036397, dated 13 May 2019 subject to the consent being limited to five years, the five standard conditions set out in the Regulations, and the following additional conditions:
 1. The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela/sqm during hours of daylight (dawn to dusk) and 150 candela/sqm during hours of darkness (dusk to dawn).
 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.

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 Issues

3. The main issues in this case are the effect of the proposed advertisement on:
 - the amenity of the occupiers of No. 80 Coventry Road; and
 - public safety.

Reasons for the Recommendation

Amenity

4. The proposed advertisement would be situated on the gable wall of No 78 Coventry Road which is a two storey detached residential property that sits at the back edge of the footpath. No 80 is a semi-detached residential property that sits further back from the road, allowing off street parking at the front of the dwelling. Windows, to habitable rooms, exist at both ground and first floor levels.
5. The appeal proposal would replace an existing illuminated 48-sheet advertisement display and would sit in line with the first floor windows of No 80 from where the occupiers would be likely to have an oblique view of the sign. They would have a more limited view from the ground floor bay window. In general terms the outlook from No 80 as a result of the new advertisement would be similar to the current situation.
6. The existing 48-sheet advertisement display is illuminated by a trough light located approximately 1 metre perpendicular to the top edge of the sign. This arrangement provides a graduated level of illumination from the top to the bottom of the advertisement.
7. The proposed advertisement would differ from the existing advertisement as it would have a uniform level of illumination across its surface, which would be outward facing, and would introduce a sequential display of images. These changes of images, although virtually instantaneous would introduce variations in the advertisement content over time, and would be likely to be more apparent than the existing static advertisement to the occupiers of No 80. Whilst some shielding would occur from the frame to the advertisement, this would not fully mitigate the impact of the appeal proposal.
8. The appellant has indicated in their appeal statement that they would operate the level of illumination at a maximum of 300 candela/sqm during daylight hours and 150 candela/sqm at night, however in a subsequent e-mail it was suggested that this should be higher. Given the relationship of the advertisement to the front windows of No 80 I consider that a lower level of illumination during the night is necessary, so that the occupiers of No 80 are not unduly disturbed by the advertisement.

9. Subject to the control of the illumination of the advertisement, I conclude that it would not be harmful to the amenities of the occupiers of No 80 Coventry Road.

Public safety

10. The appeal site is located approximately 100 metres north of a light controlled junction on the edge of a commercial area. It's position on the gable wall of No 78 means that it can only be viewed by drivers of vehicles approaching from the north.
11. The type of advertisement which may cause danger to road users include those which reduce the clarity or effectiveness of a traffic sign or signal, and those internally illuminated signs which are subject to frequent changes of the display. In this case the Highway Authority is concerned that the change in advertisement display would be likely to cause a distraction to drivers as they approach a light controlled pedestrian crossing near to Trelawney Road which lies approximately 165 metres to the north of the appeal site.
12. Drivers approaching from the north would be driving towards the appeal site on a straight stretch of road. The road has street lighting along it and a number of markings alerting drivers of a change in conditions. Whilst the new advertisement would be likely to be visible to drivers approaching the pedestrian crossing, I am satisfied that given the distance between the respective features that the advertisement and the change in its display would be unlikely to distract drivers to the degree that harm to public safety would result. Moreover, it would be unlikely that the advertisement would confuse drivers or inhibit their ability to comply with the lights. Accordingly, I conclude that the proposed advertisement would not be harmful to public safety.

Conditions

13. The appellant is seeking permission for the advertisement to remain for a period of 10 years in contrast to the normal condition limiting the period of express consent to five years as set out in the Regulations. The appellants justification for this request is on the grounds of cost, which they would wish to spread over a longer period, and the absence of any likely changes in the area that might occur over the next ten years. I have been provided with no evidence to substantiate these matters and find no reason to deviate from the standard 5 year time limit condition.
14. The Council has suggested that in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations that a condition should be imposed relating to the brightness of the advertisement but has given no specific details. The appellant has suggested several conditions relating to brightness of illumination, frequency of changes to the content of the advert, the prevention of moving images, animations, video or full motion images and luminance levels, and the requirement to freeze an advertisement in the event of any malfunction are controlled. I consider conditions controlling these matters are reasonable and necessary in the interests of amenity and public safety.

Conclusion and Recommendation

15. For the above reasons, and having regard to all other matters raised, I recommend that the appeal be allowed subject to the conditions set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the recommended conditions.

RC Kirby

INSPECTOR