



Appeal Decision

Site visit made on 18 December 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/X1355/Z/19/3238366

Gable at 10 Albion Place, Willington DL15 0EH

- 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 Durham County Council.
 - The application Ref DM/19/02035/AD, dated 25 June 2019, was refused by notice dated 22 August 2019.
 - The advertisement proposed is described as a 'replacement of an existing 48-sheet advertisement display with a 48-sheet digital advertisement display'.
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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 Regulations¹ 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 issues are the effect of the proposed digital advertisement on the amenity of the surrounding area and on public safety.

Reasons

Amenity

4. The appeal relates to the north-west facing gable of 10 Albion Place, a two storey end of terrace property which overlooks the signal-controlled cross-roads at the centre of Willington. The surrounding area has a mixed character which includes: commercial uses along High Street/Commercial Street, to the south; Willington Town Park, to the north-west, and; residential properties, to the north-east. The parkland dominates the surrounding area and thus provides an open, spacious and verdant character which pleasantly contrasts with the nearby High Street businesses.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5. The advertisement would replace an existing 48 sheet non-illuminated advertising hoarding and measure approximately 6 metres in width and 3 metres in height. It would display static digital images on a 10 second sequential rotation. While advertisements and other signs are not uncommon within this area, they are of a much reduced scale which limits their visual impact. As a result of its size, positioning and method of illumination, and in the absence of other digital advertising structures of a similar scale or appearance, the proposed advertisement would result in a highly prominent and visually obtrusive feature.
6. Its digital LED method of illumination, while below best practice guidance for brightness, would result in a visually incongruous feature that would stand out from other advertisements in the area and thus dominate the street scene. It would also be visible to users of the nearby parkland and thereby harmfully diminish their enjoyment and appreciation of this public space. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area.
7. I accept that the advertisement would be subordinate to the gable elevation on which it would be installed and that it would be seen in the context of other commercial premises and signage. However, its digital LED illumination would be markedly different to the existing non-illuminated hoarding. This would therefore materially alter the appearance of the street scene to the detriment of the area.
8. Accordingly, I find that the advertisement would appear as a prominent and incongruous feature that would be harmful to the visual amenity of the surrounding area. Hence, the proposal would not accord with saved Policy GD1 of the Wear Valley District Local Plan which requires development to be of a high standard and in keeping with the character and appearance of the area.

Public Safety

9. The Planning Practice Guidance (PPG) advises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
10. The Highways Authority objects to the proposed advertisement as it considers that it would provide a highly visible backdrop to the adjacent traffic light signals that would serve to distract road users to the detriment of highway safety. The digital advertisement would be situated in close proximity to the signalised junction and would be particularly visible to eastbound traffic. I am also mindful that, as the main road through Willington, the junction is likely to be well trafficked throughout the day and into the evening and therefore forms a busy thoroughfare for both pedestrians and motorists.
11. The siting, scale and illumination of the advertisement would provide an unduly vivid and prominent visual feature that would attract the attention of both motorists and pedestrians alike. In conjunction with its intermittent changing nature, I am concerned that the advertisement could distract drivers approaching from the west and when travelling through the junction. This could

hinder their interpretation of the traffic light signals and reduce their vigilance of pedestrians crossing or other vehicles entering the junction.

12. My primary concern is that a driver could be distracted by the scale and/or illuminated glare of the advertisement or at the point of changeover of the display and as a result may fail to stop at a red light thereby causing a collision with another vehicle or a pedestrian. This presents a significant risk to highway safety.
13. The appellant suggests that the traffic light signals will be brighter and therefore more prominent than the digital advertisement, and that the separation distance to the signals is sufficient to avoid any distraction to motorists. Furthermore, that the display would not replicate, mimic or obstruct the traffic light signals. However, these factors do not allay my concerns as the proximity of the advertisement would make it highly visible and prominent to eastbound traffic and pedestrians crossing both High Street and Park Street.
14. I therefore conclude that the advertisement would have a detrimental effect on highway safety. This would be contrary to the National Planning Policy Framework which seeks to control advertisements in the interest of public safety.

Conclusion

15. I have found that the proposal would be harmful to the amenity of the surrounding area and it would present a significant risk to public safety. For these reasons, I dismiss the appeal.

Jeff Tweddle

INSPECTOR