

Appeal Decision

Site visits made on 13 December 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 22nd January 2020

Appeal Ref. APP/Z1775/Z/18/3210998

Pavement adjoining 63 Fratton Road, Portsmouth PO1 5AE

- 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 Mr Neil Scoresby, British Telecommunications plc, against the decision of Portsmouth City Council.
 - The application, Ref. 18/00671/ADV dated 20 April 2018 was refused by Notice dated 17 July 2018.
 - The advertisement proposed is two internally illuminated LED digital display screens, one located on each side of the InLink Unit.
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Decision

1. The appeal is allowed and express consent is granted for the display of two internally illuminated LED digital display screens, one located on each side of the InLink Unit, as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions in the attached Appendix.

Preliminary and Procedural Matters

2. This appeal is in respect of the Council's refusal of advertisement consent for internally illuminated advertisements in a proposed 'InLink' unit outside 63 Fratton Road, Portsmouth. If I understand the situation correctly, the application for advertisement consent was accompanied by an application for prior approval for the installation of an InLink Unit. The application for prior approval was refused, with an appeal made but subsequently withdrawn.
 3. In the event that this appeal had accompanied the advertisement appeal it would have raised essentially the same main issue as set out in paragraph 6 below, albeit arising from an appraisal of the siting and appearance of the proposed InLink Unit as a new structure in its particular context. However, in this advertisement appeal, I must confine my assessment to the effect of the internally illuminated LED digital display screens on their immediate surroundings and the wider street scene. Accordingly, such matters as 'clutter', the InLink unit's appearance, or pavement obstruction are not matters before me in this appeal.
 4. Insofar as it is relevant to the additional considerations arising in respect of the siting and appearance of the InLink unit, the weight attached to my decisions on the advertisement appeal will be a matter for the decision-maker on any future prior approval application and / or appeal.
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5. Policy PCS23 of the Portsmouth Plan 2012 seeks to safeguard the city's character and heritage and is a material consideration in this case. The National Planning Policy Framework 2019 ('the Framework') is similarly a material consideration and sets out the relevant current Government policies. Paragraph 132 advises that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Main Issue

6. The main issue in the appeal is the effect of the proposed internally illuminated digital LED advertisement displays on the visual amenity of the street scene.

Reasons

7. The Notice of Refusal refers to the proposed advertisement display's allegedly excessive scale, high level of luminance and prominent siting on the public highway. It is argued that the combined effect of these would be one of a visually obtrusive and over-dominant feature, detrimental to the visual amenity of the wider street scene.
8. However, the Planning Officer's report for the appeal says the proposed signs would be located on an area of footway to the front of 663 Fratton Road and that *'The surrounding area is commercial in character with a number of shops, restaurants and cafes within close proximity to the application site. Furthermore, the site is located within Fratton which is a district centre as identified by Policy PCS8 of the Portsmouth Plan'*.
9. Within this overtly commercial context where the principle of pavement advertising does not seem to me to be inappropriate in principle, I observed that No. 63 is part of the ground floor of a multi-storied building of late 20th century design. The commercial premises that would form both the backdrop to the advertisement and its immediate context have shopfronts with deep facias displaying bland and large scale lettering, and with colouring consistent with the corporate identity of the occupiers. I do not regard the immediate street scene as being especially 'traditional' in the sense of having aesthetic merit, whilst its dominant logos do not offer significant support for the Council's judgement in support of refusal; indeed by comparison the advertisements would be subordinate to their immediate context.
10. The officer's report refers to a dismissed appeal decision for an InLink unit advertisement display at Eastney Road, whilst the Council's composite appeal statement for this and other kiosk applications cites a number of dismissed appeals for telephone kiosks and their advertising displays at sites in Commercial Road and other locations. However, each and every site has its particular context and it is this that is key to an informed planning judgement as to the effect on visual amenity. In these circumstances I give only limited weight to decisions at other sites in the city.
11. For the above reasons I conclude that the appeal should be allowed and advertisement consent granted.

Conditions

12. In allowing the appeal, the consent is as a matter of course subject to the five standard conditions in the Advertisement Regulations. However, I also consider that additional conditions are needed and I have based these on a list of operating conditions which have previously been accepted by the appeal parties in other InLink unit advertisement appeals. I consider that these, together with the five standard conditions, will protect the visual amenity of the area and maintain public safety. These operating conditions are in the Appendix to this Decision set out below.

Martin Andrews

INSPECTOR

APPENDIX

(Conditions are additional to the 5 standard conditions in Part 5, Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 [S.I. 2007 No. 783])

- 1) The intensity of the illumination of the digital signs shall not exceed the maximum permitted recommended luminance for an advertisement of this type and proposed location as set out by The Institute of Lighting Professionals' *PGL 5: Brightness of Illuminated Advertisements (2015)*;
- 2) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements);
- 3) The minimum display time for each advertisement shall be 10 seconds;
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction;
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.