
Appeal Decision

Site visit made on 11 February 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/Z1775/Z/20/3244689

BP Station, Eastern Road, Portsmouth PO3 6QB

- 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 Maxx Outdoor Ltd. against the decision of Portsmouth City Council.
 - The application Ref 19/00811/ADV, dated 21 April 2019, was refused by notice dated 5 December 2019.
 - The advertisement proposed is the replacement of the existing back-light display with a new LED Digital Screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of the LED Digital Screen 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 the following additional conditions:-
 - 1) The intensity of the illumination of the LED screen permitted by this consent shall be no greater than 300 candela per square metre.
 - 2) The digital display panel hereby approved shall only be in operation during the hours of 0630 to 2330 daily.
 - 3) The minimum duration of each image on the installation hereby approved shall be no less than 10 seconds and shall merge over a 1.8 seconds period.
 - 4) The advertisements displayed on the LED screen hereby approved shall be static and two dimensional only with no moving or apparently moving images, devices, wording or emblems; and shall not depict any images that resemble road signs or traffic signals.
 - 5) If the installation breaks down, the screen shall default to a blank screen thereby avoiding any flashing error messages or pixilation.

Main Issue

2. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

3. The appeal site is currently occupied by a large advertisement, however at the time of my site visit this was blank. However, I understand that the

advertisement has been in situ for a period in excess of 10 years. The sign is located adjacent to an existing filling station forecourt. The site is also shared by a car sales business. The sign is an obvious feature in views when approaching from the north but is set against mature landscaping and appears lower than the canopy over the filling station. Consequently, the existing sign does not appear as an overly dominant feature within the site.

4. The proposal seeks to replace the existing back-lit sign with a new digital screen. The displays on the screen would dissolve and merge through a sequence of images. The sign would be of approximately the same dimensions as that which currently exists, however would be approximately 200 millimetres lower in overall height.
5. The sign would be digital, and the images displayed would change, being in place for 10 seconds before merging to another image. This would draw the eye to the sign to a greater degree than the existing static image, however this would be within the context of an area already distinctly commercial in its character. The site is adjacent to a busy road and junction, which I observed had streetlighting over. There would also be a degree of activity and illumination associated with the filling station forecourt. Within this context, I am satisfied that the digital screen, including the changing images, would not appear as a striking or obtrusive feature. I am conscious that the screen would be lit during the hours of darkness, however given the existing illumination to which I have referred to above, I consider that it would not be unduly prominent.
6. I note that the Council consider the area within which the appeal site is located to be sensitive and part of a natural environment. Whilst I agree with this in respect of the wider area, the commercial development within the immediate vicinity provides a well-defined context for the proposal. Consequently, given that the sign would be within the confines of the developed filling station forecourt and closely associated with the existing built elements within it, it would have no adverse effect on the more natural appearance of the wider location.
7. Within the vicinity of the site is Great Salterns Mansion, a grade II listed building. However, a busy dual carriageway separates the appeal site from this building and there were limited opportunities to appreciate both the site of the proposed sign and the listed building within the same view. Moreover, the commercial character of the appeal site and the filling station forecourt are distinctly different from that of the listed building. In light of these matters, together with that above I have found that the proposal would not have an unacceptable visual appearance, I consider that there would be no harm to the setting of the listed building.
8. Therefore, I find that the proposal would not harm the amenity of the area within which it would be located. I have had regard to the provisions of the development plan so far as they are relevant, as advised by the Regulations. In this respect the proposal would accord with policy PCS23 of The Portsmouth Plan (2012) insofar as it requires development to be appropriate in appearance in relation to the particular context. The scheme would also not conflict with the aims of the National Planning Policy Framework.

Conditions

9. In order to ensure that the effect of the proposal on amenity is acceptable, conditions are required to control the level of illumination of the sign. I note that the existing sign is not illuminated during the day however given the digital nature of the proposal, it will require daytime illumination. The appellant has suggested that the luminance be limited to 300 candelas per square metre (cdm^2). In order to ensure the sign is not overly bright, I have limited the luminance to this level. The appellant has also suggested a condition in respect of the times during which the sign would be illuminated, to prevent unnecessary light pollution I agree that a condition in this regard is necessary.
10. Whilst the Council does not object to the proposal on the basis of public safety, I note that conditions are recommended to limit the display to static images, to control the frequency of change of the images as well as the length of transition of the images, in the interests of highway safety. Given the proximity of the site to a busy dual carriageway, I consider that these conditions are necessary. As the screen is digital, I have also imposed a condition to ensure that in the event of breakdown, the display reverts to a blank screen.

Other Matters

11. The Council make reference to an appeal decision on a different site, where the Inspector in that case found that a similar advertisement would be visually intrusive and harmful. Whilst the Council consider the area in which that advertisement was proposed to be located to be less sensitive than the area within which the appeal site is located, in assessing the scheme on its own merits I have found that the proposal would not be harmful given the specific context of the appeal site.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR