
Appeal Decision

Site visit made on 20 January 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/Z1510/H/19/3239492

Outside No 14 Rayne Road near junction with Panfield Lane, Braintree CM7 2QH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Miss Linda Francomb against the decision of Braintree District Council.
 - The application Ref 19/00385/ADV, dated 25 February 2019, was approved on 28 August 2019 and planning permission was granted subject to conditions.
 - The development permitted is to upgrade paper advertising panels on bus shelter to a display of double sided digital advertising panels on bus shelter.
 - The condition in dispute is No 4 which states that: the digital advertisement display hereby approved shall not change more than once in a 24 hour period.
 - The reason given for the condition is: in the interest of visual amenity within the Conservation Area.
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Decision

1. The appeal is allowed and advertisement consent, Ref 19/00385/ADV to upgrade paper advertising panels on bus shelter to a display of double sided digital advertising panels on bus shelter outside No 14 Rayne Road near junction with Panfield Lane, Braintree CM7 2QH is varied by deleting condition No 4 and substituting it for the following condition:
 - 1) The digital advertisement display hereby approved shall only display static images, with no special effects or motion, for no less than 10 seconds and change via a smooth fade. The intensity of the illumination shall be within that recommended by the Institute of Lighting Professionals Guide - PLG05 Brightness of Illuminated Advertisements.

Main Issue

2. The main issue is the effect of the advertisement on the amenity of the area including whether it would preserve or enhance the character and appearance of the Braintree Conservation Area (CA).

Reasons

3. The appeal site comprises a bus shelter located outside a commercial property at 14 Rayne Road. The area forms part of the main shopping area of Braintree. The road is one of the principal thoroughfares into the shopping area and is lined with commercial uses on both sides. Whilst located in the CA the area has

a noticeably commercial appearance and at the time of the site visit was constantly in use by both pedestrians and vehicles.

4. The proposal would replace the existing paper advertising panel with a digital display. The appellant has stated that each image would be displayed for 10 seconds and changed via a smooth fade. However, the Council are concerned that the change over of images would be visually intrusive and conditioned the advert to rotate once every 24 hours so it appears static.
5. There is no substantive evidence before me to indicate that the difference between displaying a single advert and a sequence of adverts, with no special effects or motion video, would harmfully increase the prominence of the scheme resulting in visual intrusion. The intensity of the illumination, display time and interval between advertisements, from the information provided by the appellant and which would be secured by condition, is appropriate for this town centre location. This would also ensure that the significance of the CA is preserved.
6. I therefore find that the existing condition is not necessary or reasonable in the interests of amenity.

Conclusion

7. For the reasons set out above the appeal is allowed and express consent varied as set out above.

B Thandi

INSPECTOR