



Appeal Decision

Site visit made on 12 February 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/U2615/Z/19/3240920

73 North Quay, Great Yarmouth NR30 1JF

- 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 Clear Channel against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0439/A, dated 26 July 2019, was refused by notice dated 8 October 2019.
 - The advertisement proposed is the upgrade of an existing 48 sheet advert to support a digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the amenity of the area, including its effect on the Market Place, Rows and North Quay Conservation Area ("the CA").

Reasons

3. The appeal site is the side elevation of an end terraced dwelling. A 48 sheet poster advertisement is currently displayed at the site. The advertisement has a prominent position towards the top of the wall and consequently it is highly visible to those travelling north along North Quay.
4. The surrounding area has a muted appearance which derives from the brick or pale rendered frontages of properties, limited street furniture and the generally small-scale poster advertising. The existing advertisement at the appeal site maintains this appearance as a result of its lack of illumination.
5. The site lies within the CA. I have a statutory duty, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The CA accommodates a mix of residential and commercial uses, including a large market place which lies at its centre. Built form consists of a combination of modern and older development. A number of older buildings are partially characterised by their brick construction, generously sized sash windows and the frequent use of a pale rendered finish. Listed buildings at Nos 51, 80 and

81 North Quay lie in the vicinity of the appeal site, and share these characteristics.

7. Some examples of advertisements of a similar appearance to that currently present at the site lie within the CA. These contribute to a muted quality which characterises the appearance of the CA as a whole, including the surroundings of the appeal site and hence the setting of the listed buildings. Only limited examples of illuminated digital advertising are present within the CA, and these are not generally of the scale proposed.
8. The appeal proposes the display of a static advertisement which would change every ten seconds. Whilst the proposed advertisement would have similar proportions to the existing poster panel, the illuminated and frequently changing commercial images of the screen would be at odds with the relatively subdued appearance of the surrounding area. They would have a prominence which would be out of keeping with the limited scale of existing advertisements. As such, the proposal would appear as an inharmonious and visually intrusive feature in the street scene and would cause harm to the muted setting of the listed buildings.
9. Whilst I note the presence of an apparent historic painted advertisement at the site, I have assessed the current contribution of the site to the amenity of the area, as set out above. Therefore this feature does not provide justification for the appeal proposal.
10. Residential properties at Nos 46-51 North Quay lie on the other side of the road from the appeal site. Each property has ground and first floor windows, from which the proposed advertisement would be visible. Some additionally include dormer windows.
11. Commercial premises lie across the road from the residential properties concerned. These do not currently display any prominent illuminated signage, and there are no other significant examples of this within the view from the residential windows. Whilst street lighting is present along North Quay, this would provide a consistent level of illumination of the windows during the hours of darkness. Forward illumination from vehicle headlights on the highway would be parallel with the windows concerned, so that any resulting visual disturbance caused to occupiers would be limited.
12. The proposed advertisement would introduce a fluctuating illumination of the residential windows which is likely to cause unacceptable harm to the amenity of occupiers of the properties concerned due to visual disturbance during the hours of darkness.
13. Illumination from the advertisement is likely to be particularly noticeable from the windows of the nearest properties and from the public realm during these hours as a result of its proximity, scale and prominent location. Therefore the suggested imposition of a condition to restrict the intensity of overnight illumination would not provide sufficient assurance that the proposal's effect on amenity could be made acceptable.
14. As such, the appeal proposal would have a moderately harmful effect on the street scene. It would additionally cause unacceptable visual disturbance to the occupiers of nearby residential properties. I therefore conclude that the

proposal would have an unacceptably harmful effect on the amenity of the area, and would fail to preserve or enhance the appearance of the CA.

15. I have taken into account policies BNV22 of the Great Yarmouth Borough-Wide Local Plan (2001) and CS10 of the Great Yarmouth Local Plan Core Strategy (2013-2030), which seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

16. I note the appellant's concerns regarding the Council's approach. However, these are not matters for this appeal, which I have determined on its planning merits.
17. There is minimal evidence to suggest that local finance considerations could help to make the development acceptable in planning terms, and therefore I attach only minimal weight to this matter.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR