



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/19/3242032

Whipstock House, South Quay, Great Yarmouth NR30 3LD

- 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 06/19/0426/A, dated 26 July 2019, was refused by notice dated 4 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.

Reasons

3. The appeal site is adjacent to South Quay and holds an existing 48 sheet poster advertisement panel which is set against the fencing to a scrapyard. The advertisement has a prominent position at a perpendicular angle to the highway, so that it is highly visible to those travelling south along South Quay.
4. The surrounding area comprises a combination of businesses and dwellings. The area between South Quay and the river which surrounds the appeal site has a muted semi-industrial appearance which arises from the presence of the scrapyard, warehouses and vacant land.
5. A number of advertisements are present in the site's immediate vicinity, including several further panels of a 48 sheet scale and some smaller scale posters advertising businesses. However, there are only minimal examples of illuminated digital advertising. As a result, the existing advertising is not unduly dominant within the street scene. The current advertisement at the appeal site maintains this appearance due to its fixed image and lack of illumination. Its condition appears acceptable and as a result of these factors it has a neutral effect on the amenity of the area.
6. The appeal proposes the display of a static advertisement which would be capable of change every ten seconds. Street lighting in the vicinity provides illumination but this is unvarying and hence it does not draw the eye.

7. 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 non-illuminated signage and the muted semi-industrial appearance of the surrounding area. They would be prominent as a result of their scale and their position facing the highway. As such, the proposal would appear as an inharmonious and unduly dominant feature in the street scene.
8. Apartments at No 127 South Quay lie on the other side of the road from the appeal site. The building has two ground floor and three first floor windows, of a large size. There are no significant examples of illuminated signage within the existing view from the residential windows. Whilst street lighting is present along South Quay, this would provide a consistent level of illumination of the windows during the hours of darkness.
9. The appellant contends that the light source from the advertisement would not be visible from these windows. However, given its orientation, proximity and scale it is likely that the illumination would be visible at an oblique angle from at least the nearest ground and first floor windows of the apartments during the hours of darkness. The static displays would change every ten seconds and hence if there were a minimal interval between them this would not overcome the visual distraction caused by the resulting frequent fluctuations in the light from the proposal.
10. The proposed advertisement would consequently introduce a fluctuating illumination which would be visible from the residential windows during the hours of darkness. This would cause unacceptable harm to the amenity of occupiers of the properties concerned due to visual disturbance.
11. 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.
12. Furthermore, the type and period of use of the most affected rooms at the apartments cannot be predicted with sufficient reliability that the suggested switching off of the screen between the hours of 0000 and 0600 would overcome my concerns. Moreover, this proposal would still result in additional fluctuating illumination of the windows for a significant period of the night, particularly during the winter months.
13. 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.
14. I have taken into account policy BNV22 of the Great Yarmouth Borough-Wide Local Plan (2001), which seeks to protect amenity and so is material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.

Other Matters

15. 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.
16. 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.
17. The appellant submits that the proposal could be used for non-commercial purposes or to display emergency messages. However, no mechanism to secure such use is before me. Therefore I cannot be certain that these aspects would form part of the scheme, and the weight which I attach to them as benefits is consequently minimal.
18. As the proposed advertisement would include illumination and a changing display it is materially different from the existing feature. Therefore if this were to benefit from deemed consent under the Regulations it would not provide justification for the appeal scheme, which I have considered on its own merits.

Conclusion

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

C Beeby

INSPECTOR