



Appeal Decision

Site visit made on 17 February 2020 by S Witherley

Decision by Anne Jordan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/J4525/Z/19/3243469

1 Westbourne Terrace, Houghton-Le-Spring, DH4 4QT

- 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 UK, against the decision of Sunderland City Council.
 - The application Ref 19/01518/ADV, dated 23 August 2019, was refused by notice dated 25 October 2019.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn my attention to policies it considers relevant to this appeal and I have taken them into account as a material consideration though they have not, by themselves, been decisive in my determination.
4. Since the submission of the appeal the Council has adopted the Sunderland Core Strategy and Development Plan 2015 – 2033 (2020) (CS). Policy BH4 of the CS has been considered in light of the above.
5. The appellant has raised potential economic benefits of the proposal, however, this is not a matter that can be considered in the interests of amenity and public safety.

Main Issue

6. The main issues for the appeal are the effects of the proposal on the visual amenity of the area and on highway safety.
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Reasons for the Recommendation

7. The proposed site is on the gable wall of a two-storey commercial unit which forms part of a shopping parade. The parade fronts Chester Road with the appeal site fronting Beatrice Terrace. The area contains a mix of commercial and residential properties typically formed in blocks of brick-built terraces.
8. The appeal site can be viewed from the north when approached from the nearby roundabout and also in short range views along Beatrice Terrace. When exiting the roundabout for Beatrice Terrace there is a traffic light system serving a pedestrian crossing, located just forward of the appeal site. As this is located within a short distance of the roundabout, drivers would be required to slow down and potentially stop within a relatively short distance of leaving the roundabout.
9. The proposed digital sign would replace a non-illuminated poster advert of a similar size which has been in situ for over 10 years. The proposed digital advert would have the capacity to display interchangeable images every 10 seconds with the interchange between each image virtually instantaneous. Within the immediate area there are a number of other poster adverts, none of which appear to have any significant levels of external illumination. More generally there are nearby shops with illuminated fascia signs.

Amenity

10. The replacement of the existing poster advert at this location with one that displays illuminated static images would not increase the visual prominence of the advert. It would be located in a similar raised position with the levels of illumination being in accordance with the Institute of Lighting Professional Guidance (ILPG). Whilst there are residential properties within the locality, none of these directly overlook the appeal site and the separation distance between them is considered sufficient to ensure that no harm would arise to the living conditions of nearby occupiers as a result of the digital advert. The materials would be contemporary in appearance and against the backdrop of the gable wall would not appear visually intrusive given the commercial character of the site.
11. I therefore conclude that the proposal by reason of its size, position, illumination, would not cause material harm to the visual amenity of the area. In reaching this finding, account has been given to paragraph 132 of the National Planning Policy Framework, Policy BH4 of the Core Strategy and Topic 12 of the Unitary Development Plan (1998) Supplementary Planning Guidance, which are considered material in this case. Given that it is concluded the proposal would not harm amenity, the proposal does not conflict with these.

Highway safety

12. Beatrice Terrace is a busy thoroughfare with access to it taken from the roundabout located to the north west and past a set of traffic lights. I noted on site that on the approach from the roundabout the digital advert would be directly located in the background and at approximately the same optical level as the traffic lights. This has the potential for drivers to mistake the

colours within the advert for colours displayed within the traffic light system and create confusion. This confusion could significantly increase in wet and misty conditions as the proposed digital sign could result in glare and dazzle. I am therefore of the view that as a result of its siting, along with its scale and levels of illumination, the proposed digital advert has the potential to reduce the clarity and effectiveness of the nearby traffic lights.

13. I have had regard to the appellants suggestion that the interchange between images which is proposed to be every 10 seconds could be varied by condition, however, I do not consider that this would address the overall safety concerns that the proposal presents. For the above reasons, the proposal would therefore have a harmful effect on highway safety.
14. I have taken account of the Policy BH4 of the CS which seeks to ensure adverts do not impact on public safety and are therefore material in this case. Given I have concluded that the proposal would harm highway safety, the proposal also conflicts with these.

Conclusion

15. Whilst the proposed advertisement would not cause harm to amenity it would cause harm to highway safety. Any economic or other benefits derived from the ability to change the display remotely would not outweigh this harm. It is therefore recommended that the appeal is dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, the appeal should be dismissed.

Anne Jordan

INSPECTOR