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# Appeal Decision

Site visit made on 11 February 2020

**by Edwin Maund BA (Hons) MSc Dip UP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> March 2020**

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**Appeal Ref: APP/X1355/Z/19/3243733**

**Land to the South of Dalton Heights, Seaham, County Durham**

- 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 Bellway Homes Limited (Durham) against the decision of Durham County Council.
  - The application Ref DM/19/02779/AD, dated 20 August 2019, was refused by notice dated 30 October 2019.
  - The advertisement proposed is Temporary advertisements for a period of three years, comprising: 1 x Standing 'V' board hoard and 4 x vertical flags on poles.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed adverts on amenity.

## Reasons

3. The appeal site is the western edge of a field which is adjacent the south bound carriageway of the A19. Immediately adjacent the site is a layby area off the main line of the carriageway.
4. The road in the vicinity of the proposal is bordered by mixed tree belts which to the north are elevated as the road goes into a cutting. To the south the land continues to fall. The location of the adverts is at a point where there is currently a break in this screen, allowing views through to the fields and at a greater distance the residential development.
5. The hoarding approximately 6.2m x 1.5m and four flags on poles approximately 6.2m in height, would be located within this gap and would be clearly visible to the users of the road.
6. Both main parties refer to other advertisements in place along this corridor, but from what I saw on my site visit none compared to the appeal proposal in design or proximity to the highway. I do not consider therefore that the presence of these other signs provides justification for the appeal proposal.
7. Paragraph 132 of the National Planning Policy Framework advises that the "quality and character of places can suffer when advertisements are poorly sited and designed." Being physically divorced from the housing site now under construction, the signs are read as being within the countryside all be it

adjacent to a dual carriageway. Consequently, both the hoarding and the flagpoles would make a significant impact in this location contrasting sharply with the otherwise soft back drop of the fields and roadside planting harming the amenity of the area.

8. Whilst the adverts are of a temporary nature and would be largely viewed for a limited period as vehicles pass on the dual carriageway, I do not consider these considerations are sufficient mitigation to overcome the harm identified.
9. I have taken into account Policy 40 of the District of Easington Local Plan (2001) which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.

### **Other Matters**

10. The appellant has presented an alternative design restricting the number of flagpoles to two, however, in light of the harm I have identified. I do not consider that this amendment would overcome the harm to amenity.
11. The appellant has also referred to another appeal decision in Nunthorpe, I do not however, have the full details of this scheme before me. In any event each scheme must be considered on its own merits.
12. Third parties including the parish council have raised objections on highway safety grounds. Considering the comments from Highways England I do not consider there is evidence before me that demonstrates harm in this respect.

### **Conclusions**

13. I conclude that the appeal should be dismissed.

*Edwin Maund*

INSPECTOR