



Appeal Decision

Site visit made on 25 February 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/C4615/Z/19/3234427

Unit 9B Station Drive Retail Park, Merry Hill DY5 1SY

- 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 Mr D Carter against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/0578, dated 23 April 2019, was refused by notice dated 3 June 2019.
 - The advertisement proposed is Scanlite Digital Electronic Surface Mount Diode Full Colour LED Display to advertise special offers, sales etc. Full colour, variable text, images.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form gives the applicant's name simply as 'Carter'. The appeal form confirms that the appellant is a Mr D Carter.
3. The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies and supplementary guidance that it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

5. The appeal site relates to the shop front of Wren Kitchens. Advertisements to the appeal unit and others within the same block of retail units primarily consist of static poster style fascia signage set within pronounced cladded entrance features. The appeal building and its associated signage benefit from a good level of visual prominence within the retail park due to their position towards the end of the block of retail units in close proximity to The Boulevard. Further advertisement is also provided for the unit within the list of businesses displayed on a nearby totem sign.
6. The proposed LED digital display would be positioned above the main entrance doors and would be in addition to the existing large fascia sign. Even accounting for the overall size of the shopfront, the substantial width of the

advertisement in addition to the variable colour, text, images and illumination would draw attention to it. As a result of the contrasting design of the advertisement, in combination with the existing signage, it would have a cluttered appearance rather than there being a coherent approach. It would also be at odds with the advertisements of relatively simple composition currently in place on the appeal building and neighbouring units. Consequently, the advertisement would have a harmful effect on the visual amenity of the area and would detract from the general uniformity that currently exists between this group of retail units with their similar treatment of main fascia advertisements.

7. To conclude, the proposed advertisement would harm the visual amenity of the area and would be contrary to the Development Plan and specifically Policy D12 (Control of Advertisements) of the Dudley Borough Development Strategy (2017) which states amongst other things that the display of advertisements will be resisted where they would be detrimental to the visual amenity and character of the surrounding area and that the cumulative impact of advertisements which may result in over proliferation and cluttering of the street-scene should be avoided. This policy therefore seeks to protect amenity and so is material in this case. For the same reasons, the proposal would be contrary to the provisions of paragraph 132 of the Framework and the guidance in the Dudley Metropolitan Borough Council Shopfront and Advertisement Supplementary Planning Document (SPD) (2017).

Other Matters

8. The appellant contends that the Council did not positively engage with them. However, I must consider the proposal on the basis of the drawings before me and this matter is not material to the consideration of an appeal made under Regulation 17. In any case, I have found the proliferation of advertisements would principally relate to the overloading and lack of a coherent approach to signage on the main fascia. Given this fundamental concern, I am not persuaded by the evidence before me that the Council's concerns could have been overcome.
9. My attention has been drawn to examples of other signage. I also note the statistics referred to suggesting that the public perception of 'digital billboards' is generally positive. However, I must consider the proposal on its own merits. The examples and statistics provided do not persuade me that the harm I have identified to the visual amenity of the area in this particular instance would be justified. Even if the advertisement has the potential to improve the commercial viability of the business, there is no substantive evidence before me to convince me that without the advertisement, the business is not viable. I therefore attach limited weight to this matter.
10. The appellant contends that the LED display would include informative content including time, temperature and weather information. However, the content of information displayed on the advertisement has not been material to my conclusions and in any case does not outweigh the harm.

Conclusion

11. For the reasons set out, the appeal should be dismissed.

M Russell INSPECTOR