



Appeal Decision

Site visit made on 19 May 2020 by S Witherley

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2020

Appeal Ref: APP/M4505/Z/20/3248135

Advertising hoarding on west gable of Ravensworth View, Dunston, Gateshead NE11 9DQ

- 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 Gateshead Council.
- The application Ref DC/19/01206/ADV, dated 29 November 2019, was refused by notice dated 29 January 2020.
- The advertisement described on the application form is: To "re-post" the existing display board with a "D-Poster" which will display digital and illuminated LED advertisement displays.

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 Matter

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.
4. The appeal documents and appellants statement make reference to the replacement of an existing 48 sheet poster and paste advertisement panel, however, at the time of my site visit this was not in situ.

Main Issues

5. The main issues in this case are the effect of the proposal on 1) the amenity of the area, and 2) public safety.

Reasons for the Recommendation

6. The appeal site is located on the gable wall of a two-storey commercial unit which forms part of a short shopping parade. The area contains a mix of commercial premises, many with front fascia signs, and residential units.

7. The proposal would comprise of an internally illuminated advertisement display which would have the capacity to display interchangeable images every 10 seconds with the interchange between each image virtually instantaneous. It would have a maximum luminance of 300cd/sqm at night.

Amenity

8. The proposed siting of the advert would as a result of its size and elevated position give it a strong presence on the gable wall and appear prominent within the street scene. Its presence would be further accentuated by the proposed levels of digital illumination and sequential images displayed. The proposal would be seen against the contrasting shop front fascia signs which are smaller in scale and which appear in the main not to be internally illuminated. This contrast would be further highlighted in the evening and hours of darkness, despite the presence of streetlights, when the proposed advert would stand out and exacerbate its impact on the amenity of an area in mixed commercial and residential use.
9. Also, as a result of its size and proximity to the neighbouring windows of the nearby residential property, No. 103 Staithes Road, I consider that the illuminated advertisement would disturb the occupants by creating a dominant visual intrusion that would significantly harm the usability of the rooms that overlook the appeal site. The frequent changing of the images would only exacerbate this harm.
10. I have had regard to the appellant's suggestion that a condition could reduce the levels of luminance. However, even at lower levels the luminance of the advertisement and the changing of images would still result in an unacceptable visual intrusion to the occupants of No 103.
11. I have also had regard to the suggested condition restricting or preventing the use of the panel between midnight to 05:00 hours. Whilst this would assist in reducing the harm to the occupants of No. 103 during these hours, the digital display of illuminated static images that would change every 10 seconds would still appear as an obtrusive visual element outside of these hours.
12. The proposal would thereby be detrimental to local amenity and would conflict with Paragraph 132 of the National Planning Policy Framework (NPPF) which recognises that the quality and character of a place can suffer when advertisements are poorly sited and designed.

Public safety

13. The Town and Country Planning (Control of Advertisements) (England) Regulations state in section 3(2)(b) that factors relevant to public safety include the safety of persons using any highway. The A114 road runs past the appeal site and while the level of illumination is in accordance with the ILP guidelines, an advertisement, as noted within the *Planning Practice Guidance* (PPG), is intended to capture the attention of the receptor and extra care should be taken at junctions where potential impacts upon public safety are greater.
14. The proposed advertisement display, which would be positioned at first floor level would be seen clearly by people travelling from the west along the A114.

The site overlooks several junctions including the junctions which service No.103 Staithes Road, Wellington Road and Cormorant Drive. It is located forward of a bend in the A114 which, when approached from the west, has road markings indicating to drivers to slow down. Also present is a cycle way which the Council note is part of the strategically important National Cycle Network. Therefore, this appears to be a location where there could be many competing distractions to road users.

15. The Council suggest that this section of the A114 can be busy at times. Although this was not observed at the time of my site visit, this seems highly possible at peak times and would be an additional burden on a driver's attention. The Council also provided details of collision data in the area and this indicates accidents have occurred near to the site and at the nearby junctions.
16. Having regard to the above, the proposal as a result of its size, location, internally illuminated digital and sequential display has the ability to distract road users from paying due care and attention to the road. The proposal therefore could prejudice public safety and as such is in conflict with the aims of the NPPF.

Other matters

17. I appreciate the appellant's argument that the proposal has the potential to bring about aesthetic improvements to the appeal building. I also acknowledge that it offers public benefits for the display of advertisement for non-commercial purpose, however, advertisements should only be controlled in the interests of amenity and public safety. I attach limited weight to these arguments.

Conclusion

18. I have concluded that the proposed advertisement would have an unacceptable impact on amenity and public safety. For the reasons stated, and having regard to all other matters raised, I recommend that the appeal be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR