



Appeal Decision

Site visit made on 1 June 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/C1055/Z/20/3246714
290 Osmaston Road, Derby DE24 8AE

- 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 Ben Porte, on behalf of Clear Channel UK, against the decision of Derby City Council.
 - The application Ref 19/01763/ADV, dated 17 December 2019, was refused by notice dated 20 January 2020.
 - The development proposed is described on the application form as installation of internally illuminated digital display and 'vertical meadow'.
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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. The appellant stated that no delegated report was published so they based their appeal on the decision notice. A copy of the report was sent to the appellant and they were given the opportunity to comment. The appellant did not submit any subsequent comments, so the appeal is based on the submitted representations.

Main Issue

4. The effect of the proposed advertisement on the visual amenity of the surrounding area.

Reasons for the Recommendation

5. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

6. The appeal site is located at the corner of Osmaston Road and Russell Street. The proposal would be located on the gable of 290 Osmaston Road. Osmaston Road is a relatively busy highway which links the ring road with the town centre. The surrounding area is predominantly industrial in character and on the opposite side of Russell Street is an area of open space.
7. The appeal site relates to a hand car wash company. I understand that the building was formerly a public house and therefore its scale is significantly less than the nearby industrial premises. I note that the site is not located within a Conservation Area, does not relate to a listed building and the area has been identified for future regeneration.
8. The proposed development would result in the removal of the existing advertisements, associated with the car wash. The proposal would not screen any architectural features or exceed the eaves height of the building. Nonetheless, it would be significantly more prominent than the existing advertisements.
9. The hoarding would cover a significant proportion of the gable. The scheme would be a prominent addition to the street scene when approaching the site from the south, along the highway and park. This is because there is a break in buildings and due to the area of open space. I did not see any other similar advertising displays on my site visit, and the appellant has not drawn my attention to any erected advertisements within the vicinity of the site. The proposal would therefore introduce a prominent novel and alien feature within the street scene. Accordingly, the digital display would result in an incongruous and unsympathetic feature which would dominate the street scene by reason of its siting and scale.
10. The proposal includes a vertical meadow which would result in limited biodiversity benefits. To some degree this would soften the advertisement, but it is likely that this feature would draw the eye as it would add interest to the building. In turn this would exacerbate the advertisement because it would make it more noticeable. Similarly, whilst conditions relating to illuminance levels and the display of advertisements could be imposed, as suggested by the appellant and highway authority, these aspects do not overcome the adverse effects outlined above.
11. For the reasons given above, I find that the proposed advertisement would harm the visual amenity of the area. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisements would cause visual harm to the street scene, the scheme would not meet with the aims of Policies CP3 and CP4 of the Derby City Local Plan- Part 1: Core Strategy (2017), Policy E26 of the City of Derby Local Plan Review (2006), or paragraph 132 of the National Planning Policy Framework.

Conclusion and Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal is dismissed.

Richard Clegg

INSPECTOR