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## Appeal Decision

Site visit made on 19 May 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

### **Decision by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 8 July 2020**

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### **Appeal Ref: APP/J4525/Z/20/3249489**

### **233 Chester Road, Sunderland SR4 7RB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
  - The appeal is made by Poster Property Limited against the decision of Sunderland City Council.
  - The application Ref 19/02071/ADV, dated 11 October 2019, was refused by notice dated 29 January 2020.
  - The development 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.

### **Procedural Matters**

3. In line with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 applications for express consent should be determined having regard to matters of amenity and public safety. Amenity is defined as visual and aural amenity. In terms of visual amenity factors relate to the characteristics of the area in question including any features of historic, architectural or cultural interest or other similar factors. Residential amenity in terms of the effect on living conditions or any neighbouring residents is not a matter for consideration in respect of advertisement appeals. However, the extent to which an advert would be visible from surrounding properties is relevant to consideration of visual amenity of the area because such views will be one element of how the proposal would be experienced in the surrounding area. For example, whether the proposed digital advertisement panel would be in keeping with important features. Consequently, I have had regard to the views from residential properties as part of my assessment of visual amenity.
4. The Council's decision notice referred to policies T14 and B21 within the Sunderland Unitary Development Plan 1998. This has now been superseded by Sunderland City Council's Core Strategy and Development Plan 2015 -2033

(2020) (the CS) which was adopted on 30 January 2020. Whilst policies of the development plan are not determinative in advertisement appeals, where proposals must be assessed in relation to their impact on amenity and highway safety, I have had regard to relevant policies insofar as they are relevant to the appeal. The relevant policies are those which are in place at the time the appeal decision is made, and in that respect, I shall refer to policy BH4 of the CS in making my recommendation.

### **Main Issues**

5. The main issues are: (1) The effect of the advertisement on the visual amenity of the area, and (2) public and highway safety.

### **Reasons for the Recommendation**

#### *Visual Amenity*

6. There is an existing paper poster billboard advertisement with no internal or external illumination on the side elevation wall of 233 Chester Road which is the site of this appeal. The surrounding area is predominantly residential, although the host property as well as a number of other properties on Chester Road have had their ground floors converted for commercial purposes. The distinctive character of the area is derived from rows of terraced properties, although the Sunderland Royal Hospital on the opposite side of Chester Road includes a range of buildings of a larger scale. Despite the existence of some commercial uses in the area, digital illuminated advertisements are not a prevalent feature. Advertisements on shopfronts are generally of a modest scale. Whilst there are examples of large poster displays on gable ends, including that at the appeal site, they are non-illuminated displays.
7. By virtue of the sequential format of displaying advertisement, with changing images every 10 seconds or so, the proposed upgrade digital display panel would appear more prominent than the existing non-illuminated 48-sheet paper poster billboard. The changing display would draw the eye to a much greater degree and have a much more overtly commercial feel which would appear incongruous in the context of the predominantly residential area which is devoid of digital advertisement displays. The sequential format with changing images every 10 seconds or so would make it more prominent and accentuate its impact on the street scene.
8. In addition, whilst the area may be well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements<sup>1</sup>, the proposal's illumination would be particularly prominent during the hours of darkness. The appellant further contends that night-time illumination would not exceed 300 candela per square metre but the presence of a 48-sheet illuminated 6 by 3 metres digital advertisement panel which is on the wall almost 4 metres above ground level would introduce a more commercial element to this locality and would pay little regard to its residential quality. The scale of the structure would be substantial and by virtue of its elevated position would be noticeable from first floor windows at the side elevation of no. 231 Chester Road and from a distance on the westward approach on Chester Road, and even emerging at the junction with Sunderland Royal Hospital access road. The change in character would be noticeable for passers by but also from

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<sup>1</sup> PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

neighbouring residential properties which would look out onto the illuminated display. The proposal's illumination and changing images would detract from the residential quality of the street and it would be visually harmful to the locality as a result of the introduction of a more prominent commercial feature during the hours of darkness.

9. The appellant's suggested condition which would require the signage to be turned off between the hours of 0000 hours and 0600 hours is acknowledged, however this does not eliminate the perception of the proposal in the hours which it is operational, particularly in the evening hours before midnight when residents are likely to be awake and passing traffic volumes will be higher than in the middle of the night.
10. I conclude, therefore, that the advertisement would have a harmful effect on the visual amenity of the area. Whilst decisive, the proposal would not meet with the objectives of the National Planning Policy Framework and Policy BH4 of the CS which amongst other things seeks to ensure that development for advertisements are well designed and sympathetic to the character and appearance of their location and the building to which they relate, having regard to matters such as size, materials, construction, location, level of illumination and cumulative impact with other signage on the building and within the vicinity and illuminated advertisements and signs, do not adversely affect the amenity and/or safety of the surrounding area.

#### *Public and Highway Safety*

11. The display would be located on side elevation of 233 Chester Road and would first become visible to drivers on approach from the East. On the approach to the display, drivers have to negotiate a bus stop and two priority junctions, namely, Chatsworth Street and Greta Terrace where there is a signalised controlled pedestrian crossing within 10 metres of the proposed display. This is right next to the access road for Sunderland Royal Hospital which generates a large volume of pedestrian traffic on most days, as observed during my visit to the site.
12. The appellant contends that drivers would be able to glance at advertisements without distraction from road or traffic movements. However, the digital display of the proposed advertising is by its very nature designed to grab the attention of passers-by whether they be drivers or pedestrians. Drivers are likely to be distracted in trying to figure out the advertising content as they approach, and the changing sequence is likely to draw more focus.
13. Furthermore, the appellants argue that the 10 second timing is an industry standard and is considered acceptable for urban locations. However, the timing and frequency of changing images is only one aspect of safety and a site specific assessment is still required, taking account of the circumstances and characteristics of the location. Even though traffic speeds are limited in the locality, vehicles will still travel at speeds that could cause injury or worse to pedestrians or other road users. Thus, the proposed illuminated 48-sheet digital advertisement display is likely to have a negative effect on public and highway safety along this section of Chester Road.
14. I conclude, therefore, that the advertisement would have a harmful effect on public safety. Whilst not decisive, the proposal would not meet with the objectives of the National Planning Policy Framework nor Policy BH4 of the CS

which amongst other things seeks to ensure that illuminated advertisements and signs, do not adversely affect the safety of the surrounding area.

**Conclusion and Recommendation**

15. For all those reasons, having had regard to evidence before me, I recommend that the appeal should be dismissed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

**Inspector's Decision**

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

*Chris Preston*

INSPECTOR