The Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/B0230/Z/20/3248440
311 Dallow Road, Luton LU1 1TF

- 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 Luton Council.
- The application Ref 19/01207/ADV, dated 16 August 2019, was refused by notice dated 29 January 2020.
- The advertisement proposed is upgrade of existing 48 Sheet Advert to support digital poster.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises of a two storey semi-detached property with commercial use at ground floor and residential uses above on a corner plot at the junction of Dallow Road and Runley Road. The gable end of the appeal property is currently occupied by a non-illuminated advertisement measuring 6m by 3m.

4. The proposed advertisement would be positioned about 1.55m above ground level on the gable end of the appeal property and replace the existing non-illuminated advertisement. It would include a LED digital panel to the front, which would display static images in a sequence changing no more frequently than once every 10 seconds. Its brightness would be automatically controlled and would be a maximum of 300 candela/sqm during the hours of darkness.

5. The surrounding area is primarily residential in character with some commercial use including a small commercial premises situated on the opposite side of the road. There is some advertising on the nearby commercial buildings, including fascia signs or projecting signs, some internally illuminated, but they are all small in scale and identify the building they relate to.

6. Against this backdrop, whilst I noted during my site visit that the area around the appeal site was lit by both the street lights and there was some lighting from other sources including the nearby buildings, the scale of the proposed

illuminated advertisement would nevertheless be substantial in this location. It would form a dominant feature which would jar with the area's general characteristics and the sequential changes in image would also draw the eye to the display, particularly during the hours of darkness. These shortcomings are exacerbated by the proposal's position, which would be visible from a number of public vantage points along Dallow Road and Runley Road. I therefore consider that the proposed advertisement, by virtue of its scale, siting and design, would appear significantly out of place and intrusive in this primarily residential location.

7. I have considered the appellant's arguments that the design and siting of the proposed advertisement has been carefully considered in order to take into account the visual amenity of the area and the existing advertisement in this location. Whilst, I note the advertisement would be without special effects and its night-time illumination would be in accordance with industry standards[1], these aspects do not overcome the adverse effects outlined above. The existing non-illuminated advertisement does not set a precedent for such an inappropriate development in this location for the reasons set out above.

8. Consequently, I conclude that the proposal, would result in significant harm to the character and the visual amenity of the area. In accordance with the Regulations[2], I have taken into account the provision of the development plan so far as it is material. The proposal would be contrary with Policies LLP1, LLP25 and LLP26 of the Luton Local Plan 2017 which require proposals to be of a high quality design that contribute positively to the character of the area and that advertisements to be placed in locations where they will not adversely affect the character or appearance of an area. In addition, as the proposal would have a negative impact on the local environment, it would also conflict with the National Planning Policy Framework (Paragraph 132).

Other Matters

9. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. I also note the appellant's comments regarding the lack of formal objections from occupiers of the neighbouring properties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the area and is not a determinative factor on its own. I therefore accord these matters limited weight.

10. I also note the appellant's willingness to amend the operation of the appeal scheme and accept conditions to address the issues raised. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.

11. I have considered the various benefits put forward by the appellant that the proposal would bring, including improved digital design, increased business rates and use for non-commercial purposes including Charitable campaigns and public arts. While I have given them some weight, these modest benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the conflicts identified.

[1] Institute of Lighting Professionals: The Brightness of Illuminated Advertisements PLG05 2015
[2] Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR