
Appeal Decision

Site visit made on 10 August 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/J4525/Z/20/3252479

20 Carlisle Terrace, Sunderland SR5 2DF

- 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 Sunderland City Council.
 - The application Ref 20/00146/ADV, dated 23 January 2020, was refused by notice dated 24th March 2020.
 - The advertisement proposed is described as "Upgrade of existing 48 sheet advert to support digital poster".
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Decision

1. The appeal is dismissed.

Main Issue

2. Powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any other relevant factors.
3. The Council has drawn my attention to policies it considers relevant to this appeal and I have taken them into account as a material consideration though they have not, by themselves, been decisive in my determination.
4. The main issues are the effect of the proposed advertisement on the amenity of the area and public safety.

Reasons

Amenity

5. The proposed location of the advertisement is on the gable wall of a typical, for the area, terraced property with a commercial unit to the ground floor and residential accommodation above. I saw at the site visit that the surrounding area is predominantly residential in character and use, nonetheless North Hylton Road is a busy road on to which a number of small-scale commercial units, with corresponding scale of advertisements relating to the business, face.
6. The appeal property currently accommodates a 48 sheet advert of very similar size to the proposed "digital poster". I saw at the site visit and the submitted plans show that the proposed advertisement is, in the context of the related property, of considerable size and scale.

7. The replacement of the existing 48 sheet poster advert at this location with one that displays illuminated static images, but with the potential to change images up to every 10 seconds, would increase the visual prominence of the advert, particularly at dusk and at night. I note the appellant's comments regarding the presence of streetlights, this is typical of an urban area and does not reduce the prominence of the proposed digital poster.
8. Furthermore, I saw at the site visit that a number of residential properties sited on The Poplars look towards the appeal site, albeit at an oblique angle and across the road. The illuminated and changing advertisement would appear as a prominent feature when viewed from properties on The Poplars.
9. I therefore conclude that the proposal, by reason of its size, position and illumination in the context of the surrounding area would harm the visual amenity of the area. In reaching this finding, account has been given to paragraph 132 of the National Planning Policy Framework, Policies BH1 and BH4 of the Core Strategy and Development Plan (the CS) insofar as it is material in this case. Due to the harm identified above, I consider the proposal would conflict with this policy in so far as it seeks to protect the amenity of the local area.

Public Safety

10. In responding to consultation in respect of the application, the Council's Transportation Development team raised concern that the proposed advertisement would "provide a highly visible backdrop to the adjacent traffic passing by causing a distraction to the road users".
11. Planning Practice Guidance (PPG) states¹ that "all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety."
12. As detailed previously, North Hylton Road is a busy road. The proposed advertisement would be located just off the road, visible to drivers as they approach a roundabout, pedestrian crossing point and in an area where many small residential streets join North Hylton Road.
13. Furthermore, the PPG² advises specifically that internally illuminated signs "which are subject to frequent changes of the display" may cause danger to road users. The proposed advertisement may change image up to every 10 seconds, representing a frequent change of display.
14. I note that the appellant has suggested a number of conditions in an effort to overcome the Council's concerns, including to reduce the frequency of changes of images (and level of illumination in respect of amenity). However, I do not consider that this would address the overall safety concerns that the proposal presents. For the above reasons, the proposal would therefore have a harmful effect on public safety
15. I have taken account of the Policy BH4 of the CS which seeks to ensure adverts do not impact on public safety and are therefore material in this case. Given I have concluded that the proposal would harm highway safety, the proposal also conflicts with these policies.

¹ Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014

² Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

Conclusion

16. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety.

Mark Brooker

INSPECTOR