



Appeal Decision

Site visit made on 10 August 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/J4525/Z/20/3252914

Hylton Park, Hylton Park Road, Sunderland Enterprise Park, Sunderland SR5 3HD (Grid Reference: Easting 436970, Northing 558350)

- 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 Don Lambressa of UK Land Estates in conjunction with Mass Media against the decision of Sunderland City Council.
 - The application Ref 20/00081/ADV, dated 17 January 2020, was refused by notice dated 27 March 2020.
 - The advertisement proposed is the erection of 1x dual sided LED Screen. Screen size 3658mm x 5852mm with 50mm powder coated aluminum surround. Pole mounted on grass bank verge of Hylton Park Road to raise the bottom of said screen to circa 1500mm above road level of A1231.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Various descriptions of the proposal are given on the application form, decision notice and appeal documents. I have used the description as given on the application form as this accurately represents the proposal.

Main Issues

3. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

4. The proposed advertisement would be a freestanding dual-sided digital display mounted on support poles. The appeal site is located adjacent to an approach to the Northern Spire Bridge. This bridge is a striking modern design and is an important landmark within the city, as well as providing one of the main vehicular access routes. The public realm and landscaping around the bridge is of an understated character, but provides an open and uncluttered setting for the bridge.
5. The sign is located in a commercial area, although the buildings near the site on Timber Beach Road are set below the approach to the bridge. Due to this arrangement, although the roofs of commercial buildings would be apparent,

the sign would not be viewed against an immediate background of commercial buildings and associated advertisements. The prominence of the sign is shown on the 'Outdoor Portrait Displays' provided by the appellant and this reflects my observations on site.

6. Within this context, the sign would appear as an obtrusive and angular feature projecting above the roadway and nearby commercial buildings. It would therefore appear as an awkward and unduly dominant feature in the street scene in a particularly sensitive location on the approach to a major landmark in the city. This unfortunate appearance would be exacerbated during the hours of darkness due to the increased prominence resulting from the illumination of the sign.
7. The appellant submits that the Council has placed too much weight on the benefits of the bridge and the public realm improvements in respect of regeneration rather than amenity. He also emphasises that the bridge does not have any special status or designation in planning terms, that there are no designated heritage assets in the vicinity and that this is not an area of special advertisement control. However, these matters do not lead me to a different conclusion in respect of the harm to visual amenity which would arise from the proposal.
8. The sign would also be prominent in views from Timber Beach Road which passes underneath the bridge approach. In views from this road, the sign would appear as an elevated and incongruous feature projecting above an area of landscaping and the elevated roadway of the bridge approach. This obtrusive appearance would be exacerbated by the distorted appearance of the advertisement display resulting from the angle of view.
9. The appellant emphasises that the proposal would use high quality materials and be of a contemporary design, as well as the use of louver technology to limit the extent of light emitted from the display. Matters such as luminance and the changeover of images could also be controlled by condition. However, these matters would not satisfactorily mitigate the harm that I have identified to amenity.
10. Reference has also been made to a consent granted by the Council for a digital advertising screen at Doxford Print Works. However, the evidence suggests that this was sited against the backdrop of a substantial building and was therefore in a different context compared to the appeal proposal. In any event, I have determined this appeal on its own merits.
11. I conclude that the proposed sign, by reason of its height, design, location and illumination, would lead to significant harm to the amenity of the area. Notwithstanding the commercial character of this locality, as a result of the effect on views of the bridge and public realm, the appeal proposal would be inconsistent with the principles set out in the Planning Practice Guidance (the Guidance), which amongst other things, advocates consideration for the local characteristics of the neighbourhood.
12. Consequently, the proposal would be contrary to Policies BH3 and BH4 of the Council's Core Strategy and Development Plan 2015-2033 (the Core Strategy) with regards to the effect on the public realm and the amenity of the surrounding area. However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case.

Therefore, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Public Safety

13. The sign is located in the vicinity of a signalised junction between two of the major routes into the city, including the route across the bridge, and I saw that these roads were heavily trafficked. As well as providing for vehicular traffic, the junction includes signalised pedestrian crossings. Whilst advertisements are intended to attract attention, advertisements at points such as road junctions where drivers need to take more care are more likely to affect public safety.
14. When approaching the junction from the north, the sign would be visible within the context of traffic signals at the junction. Due to its location, illuminated nature and the changeover of images, the sign would be a distracting feature when drivers should be concentrating on the status of the signalised junction as well as the potential for pedestrian movements and queuing traffic.
15. When approached from the south, the sign would be a similarly distracting feature to one side of the line of sight of drivers on the approach to the junction. The distraction created by the sign at a point where drivers should be taking more care would increase the potential for collisions between vehicles as well as with pedestrians, to the detriment of public safety.
16. I am also mindful that the Guidance refers to illuminated signs which are subject to frequent changes of the display as being a form of advertisement which may cause danger to road users. The proposed display may change as frequently as every 10 seconds which would create a distraction to drivers, even allowing for conditions to control the nature of the image transition, moving images and luminance.
17. The appellant submits that the impact on the highway network would not be 'severe'. However, even if that is the case, this does not negate my consideration in respect of the unacceptable effect of the proposal on highway and public safety.
18. The appellant refers to an LED display screen granted consent on appeal at 55 Degrees North in Newcastle upon Tyne next to a heavily trafficked roundabout. However, I have not been provided with sufficient details of the circumstances that led to that consent to be certain that it represents a direct parallel to the appeal before me, which I have in any event considered on its own merits.
19. Due to its design and location, I conclude that the proposal would lead to unacceptable harm to highway safety and therefore to public safety. The proposal would conflict with Policies ST2 and ST3 of the Core Strategy with regards to the safety of the highway network and all road users. However, as referred to previously, the Regulations require that decisions are made only in the interests of amenity and public safety, and these are policies to which I have had regard as a material consideration.

Conclusion

20. I am mindful of the benefits of the proposal including that it would generate economic activity through the sale and display of advertisements, though the benefits of this would be limited in scale and would not outweigh the identified

harm to amenity and public safety. The potential for the local authority to use the sign would also not outweigh the identified harm.

21. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR