



Appeal Decision

Site Visit made on 27 October 2020

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/C4615/Z/20/3258424

Stourbridge Motor Company Ltd, St Johns Road, Stourbridge, DY8 1YS

- 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 Richard Page against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0619, dated 5 May 2020, was refused by notice dated 8 July 2020.
 - The advertisement proposed is Replacement of a 48-sheet advertising display with a digital 48-sheet advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is identical to a previously consented scheme¹ for a digital hoarding in the same location which remains extant. The proposal differs only in that it seeks to increase the permissible frequency of image changes on the displays from one every 30 seconds to up to one every 10 seconds.

Main Issues

3. The main issues are the effect of the proposal on public safety and amenity.

Reasons

Safety

4. The proposal would replace an existing hoarding orientated to face oncoming traffic on St John's Road and High Street which joins via a slip road a short distance away on the approach. The sign's position would not interfere with inter-visibility or views to traffic signals, however, forward visibility on the one-way ring road is limited due to the curvature of the road and the display would appear late in the field of view. Under normal or slow traffic conditions, traffic joining the ring road would have earlier sight of the sign, sufficient to witness consecutive changes at the proposed minimum interval.
5. The ring road accommodates through traffic along busy major east-west and north-south routes such that it features a number of large junctions in addition to numerous local connecting roads and access points either side of the road. The result is that traffic regularly manoeuvres between lanes regardless of traffic

¹ Application ref. P17/0175, appeal ref. APP/C4615/Z/17/3176845

speeds and, according to the Council, the local accident record indicates that this is a main cause of conflicts. The proposed increased frequency of displays would escalate the level of potential distraction to drivers, more so at low speeds during busy periods when additional changes in imagery would be witnessed. This would have an attendant likelihood to exacerbate the chances of collision as vehicles seek to change lanes in both lateral directions in preparation for exit to Mill Race Lane, the A458, Duke Street and the private properties between.

6. In support of the proposal, the appellant states that the local accident record indicates no accidents were recorded in sight of the advertisement, however, this is without an illuminated advertisement in place. Reference was also made to a number of schemes for digital advertising allowed by the Council with changes down to 10 seconds elsewhere. However, little evidence is provided for the purpose of the appeal and therefore I am unable to draw comparisons with those cases.
7. I acknowledge that the content of any displays would meet safety criteria and industry recommendations for maximum illumination, however, these matters do not overcome the harm I have identified in respect to highway safety.

Amenity

8. The site lies on a one-way ring road about the town centre where it is bordered mainly by commercial development. There are some residential properties and an educational institution close by. In a central commercial area where other large-scale advertising exists, the continued use of the site for advertising, albeit utilising more modern methods to replace the existing tired hoarding, would not appear out of context in the street scape. As such it would maintain the existing standard of visual amenity in the locality.
9. The sign would be single sided and face westwards. Aside from commercial premises and a building known as St John's Court, views from other premises would be over long distances such that the display would not be overly prominent or appear harsh to observers.
10. There is disagreement between the main parties as to the use of St John's Court, a nearby three-storey building lying opposite the display. At the time of my site inspection there was no evidence of any use of that building taking place and therefore no adverse impact to residential or other amenity would arise. I therefore find that the proposal would have an acceptable effect upon the amenity of the locality.

Conclusion

11. Whilst I have found in favour of the development with regard to amenity, this does not outweigh the harm identified to highway safety.
12. I have taken into account the provisions of the development plan, so far as they are relevant, in accordance with the Regulations. I have had regard to Policy D12 Dudley Borough Development Strategy (2017) as it seeks to protect the safety of road users, together with paragraph 132 of The National Planning Policy Framework. Having found that the proposal would cause harm to highway safety, the proposal conflicts with those policies.
13. For the above reasons, I conclude that the appeal should be dismissed.

R Hitchcock INSPECTOR