
Appeal Decision

Site visit made on 9 November 2020

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/M3455/Z/20/3259006

7 Victoria Place, Fenton, Stoke-On-Trent ST4 2LX

- 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 Alight Media, 36 Soho Square, Soho, London against the decision of Stoke-On-Trent City Council.
 - The application Ref 65243, dated 20 March 2020, was refused by notice dated 16 July 2020.
 - The advertisement proposed is replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from my site visit that the illuminated 48-sheet advertisement display has been removed. As such, this proposal no longer seeks to replace an existing advertisement and I have therefore considered the appeal on this basis.
3. The grounds of appeal suggest that the advert could benefit from deemed consent. However, an application for express consent was submitted to the Council and the appeal has been made on that basis. I have determined this appeal on that basis.
4. In accordance with the National Planning Policy Framework (the Framework) and the Regulations, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

Main Issue

5. These are the effects of the proposal on amenity and public safety.

Amenity

6. The advertisement would be viewed within a commercial area which the Planning Practice Guidance (PPG) encourages. However, the advert would be in a prominent location close to the highway. The sign's prominence would be amplified by its size, its LED design and interchangeable images, making it an
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- intrusive and overbearing feature within the street and therefore harmful to visual amenity.
7. The surrounding area contains several advertisements but they are less prominent owing to their smaller size and not being LED advertisements. There is an exception, an LED advertisement to the east and on the same side of the road as the appeal site. Introducing the proposed advertisement display would result in an unacceptable proliferation of large LED advertisements and add to visual clutter.
 8. The sign may not result in light pollution but its illumination would draw the eye away, creating visual clutter. This would be especially felt in the dark or in dull conditions. Whilst the trees would provide an attractive backdrop to the advertisement, they would not mitigate the harm found relating to the form and scale of the proposal.
 9. The previous advertisement has been removed but the evidence before me suggests that it had been in place for several years and was of a similar scale and position to the appeal proposal. However, it was not an LED advertisement with moving images. Therefore, notwithstanding the former sign being an established feature of the street scene without objection, the appeal proposal is notably different and cannot be considered as a straightforward replacement.
 10. The windows in the residential properties nearby are orientated away from the appeal site and therefore any illumination of the sign would not have a detrimental effect on resident's living conditions. The advertisement is a reasonable distance from the conservation area and buildings of special local interest for it to not have a discernible impact on their visual qualities. I am also aware of the practical and environmental benefits that the advertisement may have. However, these factors, singly or combined, do not overcome the notable harm which I have identified above.
 11. I have had regard to the suggestion that the advertisement could be conditioned to reduce its visual impact. However, conditions would not mitigate the harm that I have found pertaining to the size and location of the proposal.
 12. It may appear unreasonable for the Council to refuse the appeal proposal when it has allowed the same type of advertisement in other parts of the city. However, as the examples before me show, no two sites are identical and so they do not set a precedent that I must follow. I appreciate that apparent inconsistencies in the Council's decisions can be disconcerting, but it is not within the remit of this appeal for me to comment on the circumstances that have led the Council to decide other applications for advertisements.

Public safety

13. The advertisement would be in a location where driver's full attention on the road is needed to navigate a change in lanes, adjust vehicle speed and manoeuvre around any vehicles moving on and off the retail forecourts nearby. Owing to the size of the sign, its prominent position close to the highway and its illumination, the advertisement would divert driver's attention away from the road at a place where drivers need to take more care. Distracted drivers risk collisions and therefore the proposal would be harmful to public safety.

14. Drivers may adopt a 'glance strategy' but given the number of variables on the road, the slightest distraction could result in harm to highway safety. As the PPG suggests, advertisements at points where drivers need to take more care are more likely to affect public safety. For the reasons given I have found that this would be the case.
15. I appreciate the point made that drivers may be familiar with roadside adverts. However, this is a speculative view that cannot account for all drivers or for the unforeseeable nature of human behaviour.
16. There may be few reported accidents within the vicinity of the site, including when an earlier sign was in situ. However, the advert would be more prominent than previous signage and so evidence from the past cannot be relied on to predict incidents in the future.

Conclusion

17. For the reasons given above, I conclude that the proposed advertisement would be detrimental to visual amenity and public safety and therefore the appeal is dismissed.

R Walmsley

INSPECTOR