



Appeal Decision

Site Visit made on 6 October 2020

by Matthew Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/B1415/Z/20/3254703

201/202 Queens Road, Hastings, TN34 1RG

- 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 Ben Porte, Clear Channel UK against the decision of Hastings Borough Council.
 - The application Ref HS/AA/19/01008, dated 16 December 2019, was refused by notice dated 28 April 2020.
 - The advertisement proposed is installation of internally illuminated display and 'vertical meadow'.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The minimum display time for each advertisement shall be 10 seconds, the interval between successive displays shall be 0.1 seconds or less and the advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.

Preliminary matter

2. Amended plans were submitted with the appeal. I cannot be certain that all interested parties have had the opportunity to comment on them. Therefore, I have determined the appeal on the basis of the application as made to the Council.

Main Issues

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

Reasons

Amenity

4. The advertisement would be positioned high on the end wall of a terrace, in a prominent location at a busy road junction. The end elevation presents a square side face to the building. While it would not be an integral part of the building fabric, the advertisement would, therefore, respect the shape of the building and its architectural detailing as required by the Advertisements and Shopfronts Supplementary Planning Document 2007 (SPD).

5. The area is commercial in character and the advertisement would be seen alongside a large shopping centre. As such, although high level signage at the shopping centre is smaller in scale, and other the numerous nearby advertisements are generally at fascia or shop front level, the proposal would be compatible with the overall character of the area. The advertisement would be sited above planting around the road junction, but would not diminish its appearance or the contribution that the planting makes to the break in built form at this location.
6. I understand that an appeal for an advertisement in this location was previously dismissed. However, that decision is more than 20 years old and there is no substantive evidence as to whether the local environment is comparable. For the above reasons, based upon the evidence before me and the situation at the site now, I find that the size and scale of the advertisement would not be excessive. Therefore, there would be no harm to amenity.

Public safety

7. The site is at a busy road junction. Traffic signals control vehicle flow and pedestrian crossing facilities. If drivers were distracted on approach, they could fail to observe traffic signals resulting in side impact collisions or collisions with crossing pedestrians. However, a bend in the road alignment means that an approaching driver would observe the presence of the signals, or any slowing traffic, before the advertisement became visible. On this basis, I find that the advertisement would not result in a failure to stop.
8. The advertisement would be some distance above the signal heads and a condition controlling the length of display of each advertisement would ensure that it did not change rapidly. There are also a number of repeater signals that signal the change to a green light. In this context, I find no substantive evidence that the advertisement would cause a driver stopped at the lights to fail to respond to the changing signals.
9. With regard to the above, there would be no harm to public safety.

Conclusion

10. I have had regard to the SPD and Policies DM1 and DM3 of the Hastings Local Plan – Development Management Plan 2015 which seek to achieve a good standard of amenity, promote good design and protect local character, and so are material in this case. Given that I have concluded that there would be no harm to amenity or public safety, the proposal does not conflict with these policies.
11. For the reasons given, the appeal is allowed.

M Bale

INSPECTOR