



Appeal Decision

Site Visit made on 23 February 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 12th March 2021

Appeal Ref: APP/W0910/Z/20/3264523

Strand Car Wash, Strand, Barrow in Furness, Cumbria LA14 2HQ

- 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 Graeme Hughes (Alight Media Ltd) against the decision of Barrow-In-Furness Borough Council.
 - The application Ref B22/2020/0585, dated 14 September 2020, was refused by notice dated 06 November 2020.
 - The advertisement proposed is described as Installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed advertisement on visual amenity and public safety.

Reasons

3. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant to the appeal, these have not been decisive in my determination of this appeal.

Visual amenity

4. The proposed advertisement would be sited at the tapering end of the appeal site, adjacent to the gable end of 2 Ramsden Street and facing the traffic signal controlled junction of the Strand, Duke Street and Ramsden Street. It is in a mixed residential and commercial area, which includes a large supermarket and the Alfred Barrow Health Centre Grade II listed building.
5. The listed building is an imposing former school building dating from 1888, with gabled crosswings and constructed in red brick with sandstone dressings and a slate roof. It is in the Renaissance style with architectural detailing including architraved cross-windows linked by continuous sills and transom bands, relief carvings, mullion windows and terracotta ridge cresting. The boundary of the Central Conservation Area (the CA) lies further along Duke Street, beyond the listed building.
6. The large advertisement would be approximately 2m above ground level. It would display sequential static images with instantaneous transition every

- 10 seconds. It is proposed to primarily advertise commercial products and businesses, although it could display Council, highways or safety information.
7. There are some large buildings in the area. However, the advertisement would be seen against the backdrop of the relatively open land and low level buildings and structures within the appeal site and the generally modest buildings, including dwellings, that characterise the wider townscape behind the appeal site. In this context, the free-standing advertisement would be a prominent feature that would be out of scale with, and it would not relate well to, its immediate surroundings or to nearby buildings. Moreover, it would be overly large and not in keeping with other signage and advertising in the area.
 8. The advertisement would not be in the CA nor would it be located immediately adjacent to the nearby listed building. Nevertheless, the part of Duke Street from the CA to the appeal site that includes the listed building is an open and straight stretch of road. By virtue of its large size and prominent siting, the advertisement would be visible in juxtaposition with the historic façade of the listed building. In this context, the advertisement would be an overtly contemporary feature. While advertisements are relatively common in urban areas, the proposal would be conspicuous and discordant in the street scene and it would detract from views and the setting of the listed building.
 9. For these reasons, I find that the appeal advertisement would harm visual amenity. Although not determinative, I have taken into account the policies in the Barrow Borough Local Plan 2016-2031 (the LP). Given that I have concluded that the advertisement would harm amenity, it would conflict with the aims of Policies DS2 and DS5 of the LP in relation to contributing positively to the character and appearance of the area and conserving and enhancing historic assets and their settings.

Public safety

10. The PPG establishes that advertisements in locations where drivers need to take more care, including junctions and pedestrian crossings, are more likely to affect public safety. The PPG also lists the main types of advertisements which may cause danger to road users as including those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal; and those externally or internally illuminated signs which could distract road users.
11. The advertisement would be clearly visible on the approach to the junction along both the Strand and Duke Street. By virtue of its elevation, height and width and its siting close to the junction, the advertisement would be at drivers' eyeline and traffic control lights would be seen in close juxtaposition with, if not against, it. I accept that road users would not need to turn away from the junction to see the advertisement. Nevertheless, it would distract attention and the expansive illuminated imagery would detract from the clarity of the traffic signals. The additional visual information and clutter, resulting in even momentary distraction and delayed reaction on the approach to the busy junction, would increase the risk of conflict between road users.
12. My attention has been drawn to guidance for roadside digital signage adopted elsewhere which suggests that digital advertisements are best located alongside the nearside carriageway or overhead, although other eye line locations may be acceptable if they do not create unacceptable risk of diverting

attention. In this case, the advertisement would be immediately to the rear of a junction, not overhead, and it would divert attention away from traffic signals. Therefore, the excerpts of guidance referred to do not appear to justify the scheme.

13. I appreciate that the road traffic accident statistics from Crash Map indicate that there have been few accidents in this location in recent years. Although it is not clear what data is held by Crash Map, I accept that the absence of reported accidents indicates a reasonable safety record at the junction. However, a previously good safety record does not demonstrate that a large illuminated advertisement in this location would not be detrimental to public safety.
14. Planning conditions could be used to control the illuminance and frequency of imagery, to turn off the display in the event of malfunction, to prevent moving images and those that resemble road signs and traffic signals, and to ensure smooth transition between sequential images. The appellant has also indicated he would be willing for the advertisement to only operate between 0700 and midnight. Nevertheless, given the size and siting of the advertisement, I am not satisfied that these measures would be sufficient to protect the clarity and effectiveness of the junction signage and signals.
15. Therefore, I find that the advertisement would be detrimental to public safety. It would conflict with the public safety aims of Policy DS2 of the LP.

Other Matters

16. The proposal could be used by local businesses to advertise services, thereby supporting the local economy and encouraging investment in the area. However, there is little substantive evidence to demonstrate any such benefits.
17. My attention has been drawn to digital advertisements elsewhere. While there are similarities, nevertheless they differ including in terms of the surrounding context and their scale and relationship to the built environment. On the basis of the information before me, advertisements in different locations do not provide a justification for proposal, which I have considered on its own merits.

Conclusion

18. For the reasons set out above, I conclude that the proposed advertisement would harm the character and appearance of the area and it would therefore be detrimental to amenity. Furthermore, it would be detrimental to public safety. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR