



Appeal Decision

Site visit made on 1 April 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/C4615/Z/20/3263618

Land at the corner of High Street and Brick Street, Sedgley

- 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 Wildstone Group Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1138, dated 23 July 2020, was refused by notice dated 5 October 2020.
 - The advertisement proposed is described as: 'Conversion of poster advertisement display at 33 High Street/Brick Street, Sedgley, Dudley, DY3 1NU'
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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 conditions:-
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/sqm between sunset and sunrise.
 - 2) The minimum display time for each advertisement shall be 10 seconds.
 - 3) The advertisement hereby permitted shall only be used to display static images (no moving or flashing images) and changes between advertisements shall take place instantly with no sequencing, fading, swiping, or merging of images.

Preliminary matter

2. As no address for the appeal site is provided on the relevant section of the application form, I have taken this from the appellants' appeal form. I have taken the description of the proposal from the appellants' covering letter.

Main Issues

3. The main issues are the effect of the proposed advertisement on amenity with regard to the character and appearance of the area; and, public safety in respect of highway safety.

Reasons

Amenity

4. The appeal site is located on the corner of High Street (A459) and Brick Street on the edge of Sedgley District Centre.
5. The site has a broadly triangular footprint and is free of any significant development. The site's surroundings are predominantly commercial in nature with an area of public open space to the north.
6. Views of the site's frontage are mainly available from along the A459 and are dominated by the existing externally illuminated billboard and timber fencing enclosing the site. These are viewed in the context of the mature trees within the site, the adjoining commercial buildings, along with the adjacent highway and the activity associated with it.
7. The proposed digital advertisement display would be broadly in the same location as the existing billboard and set back from the A459. Most notably, it would be appreciably smaller in size than the existing billboard and this arrangement would give greater prominence to the mature trees within the site.
8. Therefore, in this relatively commercial and dynamic context, the proposed smaller advertisement, albeit with a digital format and changing display, would not appear unduly intrusive or dominant. It would also have no appreciable adverse effect on the character and appearance of the area, including the nearby public open space.
9. For the above reasons, the proposed digital advertisement display would not harm the amenity of the area and as such is not contrary to Policy D12 of the Dudley Borough Development Strategy ('DS') and guidance within Planning Guidance Note 11: Advertisement Display Guide ('PGN 11'), insofar as these are material to considering amenity in this appeal.

Public Safety

10. The A459 southbound approach runs in a north to south direction past the appeal site. When travelling southbound along the A459 a controlled pedestrian crossing is located approximately 25m before the location of the proposed advertisement display. The approach to this crossing includes some road markings and the crossing itself incorporates traffic lights. Therefore, motorists travelling southbound would be aware of the approaching crossing.
11. Due to the open nature and relatively straight alignment of the carriageway leading to the crossing, motorists would also have good visibility and a clear sight line towards the proposed advertisement display, which would be viewed by motorists in a position between the nearside and offside traffic signals of the pedestrian crossing on this approach. Therefore, both the pedestrian crossing traffic signals and the advertising display would be assimilated in the same view by motorists. The increased separation between the signals and the advertising display arising from the smaller format of the new display, would also limit any unacceptable visual conflict between the traffic signals and the new advertisement display.

12. Despite its illumination which would be limited during night times, the proposed advertisement display would only be used to show static images with a 10 second minimum display time for each image, and any changes in displays would be instantaneous. As such, both eye dwell time and the level of any potential for distraction would be minimal. In light of this and the above reasons, the siting and operation of the digital advertisement display would not unacceptably distract motorist's view of the pedestrian crossing, it's traffic signals and other road users near to or using the crossing.
13. Consequently, the digital advertisement display would not harm public safety in respect of highway safety. As such, I find no conflict with DS Policy D12 and guidance within PGN 11, insofar as these are material to considering public safety in this appeal.
14. I have had regard to the planning conditions that have been suggested by the main parties and considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
15. In addition to the five standard conditions set out in the Regulations, I am also attaching a further three conditions to minimise distraction in the interests of public safety.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR