



Appeal Decision

Site visit made on 17 May 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2021

Appeal Ref: APP/J4525/Z/21/3268417

8 Hylton Road, Sunderland SR4 7AA

- 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 Air Outdoor Media Limited against the decision of Sunderland City Council.
 - The application Ref 20/01941/ADV, dated 25 September 2020, was refused by notice dated 17 December 2020.
 - The advertisement proposed is described as Upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Town and Country Planning (Control of Advertisements) Regulations (England) 2007 (the Regulations) and the National Planning Policy Framework (the Framework) require that control over advertisements should only be in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. The Council has not raised an objection on the basis that the proposed advertisement would cause harm to the amenity of the area. Therefore, the main issue in this appeal is the effect of the proposed advertisement on public safety.

Reasons

3. The Planning Practice Guidance (the Guidance) advises that all advertisements are intended to attract attention and that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality. The Guidance also states that proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It gives as examples, at junctions, roundabouts, pedestrian crossings, and on the approach to a low bridge or level crossing. In addition, the Guidance identifies, among other matters, that advertisements that are subject to frequent changes of the display are most likely to cause a danger to road users.
4. The proposed internally illuminated digital display advertisement would be sited on gable wall of a two storey, end of terrace property on Hylton Road, facing east towards the A1231, a busy dual carriageway which runs toward the City Centre. The surrounding area is characterised by a mix of commercial and residential uses, there are densely developed rows of residential terraces and ground floor businesses to the western side of the A1231, whilst the eastern side is characterised by larger bulky goods warehouses and retail units. The

site currently comprises one 48 sheet poster advertisement panel with external lighting bar that is visible to users travelling north along the A1231.

5. The appeal proposal would see the removal of the 48 sheet poster advertisement panel and its replacement with a 48 sheet internally illuminated digital display. The digital advertisement would have light sensors to control and vary the brightness of the display and a maximum luminance of 300cd/sqm at night. It would display only static images but would be capable of an instant changeover to display new advertisements every ten seconds.
6. I acknowledge that the site already hosts an advertisement of the same scale as that proposed. Furthermore, I saw during my site visit that there are other illuminated advertisements in the vicinity of the appeal site. Nonetheless, I consider that the proposed digital display advertisement would be an unduly vivid and prominent feature in the sight-line of drivers travelling north on a busy section of road where there are junctions, roundabouts and other features that require driver attention. The position and vividity of the advertisement in conjunction with its changing nature would distract drivers when negotiating these existing highway features.
7. I therefore conclude that, by virtue of its proposed location, form of illumination and changing nature, the proposed internally illuminated digital display advertisement would be harmful to public safety.
8. In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, I have taken into account the provisions of the development plan so far as they are material. Policies ST2 and ST3 of the Sunderland Core Strategy and Development Plan 2020 seek to, amongst other things, provide safe and efficient road access for all users. I have concluded that the proposal would harm public safety, and therefore the proposal would conflict with these policies.

Conclusion

9. For the reasons outline above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR