



Appeal Decision

Site Visit made on 5 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/W1850/Z/21/3272292

Land adjacent to 22 Belmont Road, Hereford HR2 7JW

- 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 Showcase Outdoor Limited against the decision of Herefordshire Council.
 - The application Ref 204376, dated 28 September 2020, was refused by notice dated 4 February 2021.
 - The advertisement proposed is Upgrade of existing 48 sheet advert to support digital poster, and removal of adjacent advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to policies they consider to be relevant to this appeal. I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves been decisive. I have also had regard to the National Planning Policy Framework (The Framework) which seeks to prevent the negative impacts of poor advertisements.
3. Amended plans have been put forward in support of the appeal. These seek to relocate the proposal further from the traffic light on the north east bound side of the highway. The revised location would materially change the substance of the proposal and taking it into consideration may prejudice the Council who have not had the opportunity to comment on it. Furthermore, it is not the purpose of an appeal to evolve a scheme. As such, I have not taken the revised siting into consideration as part of this appeal.

Main Issues

4. The main issues are the effect of the proposed hoarding on the visual amenity of the surrounding area and on public safety.

Reasons

Visual amenity

5. The appeal site comprises of two, 48-sheet advertising displays, lit by external lighting. It is located between a small convenience store and a community church. The associated signage of both adjacent activities is relatively subdued and not overtly conspicuous. The convenience store is adjacent to the junction

with Belmont Avenue. Streetlighting along both highways is dispersed with wide separation distances, becoming closer together after Belmont Avenue towards the city centre. The site is also adjacent to a pelican crossing with residential development opposite. The local area includes interesting and regimented buildings aside pockets of landscaped areas that together form an pleasant residential character. In contrast, the appeal site conveys an adverse and negative visual effect on the surrounding area due to the scale and illumination of the existing advertisement displays.

6. The proposed display would be set at an angle to the highway presenting itself towards southwest bound traffic. The Planning Practice Guidance (The Guidance) favours commercial areas for large advertisements where the context includes large buildings and main highways. Whereas, other than the adjacent community church, the local area consists of buildings that are generally two storeys within narrow plots. As a result, the proposed advertisement would be a stark feature that would be obtrusive within this largely residential setting.
7. Even if the proposal were not as bright as the existing adverts, digital advertising is by nature and purpose more visually strident than a more traditionally illuminated hoarding. Regardless of the setting of the sequential display and the absence of special effects, the proposal would harm the visual amenity of the area. This would not blend in with the limited streetlights to the southwest of the site. The attention that would be drawn to the advertisement would make it more apparent, despite the reduction in the overall surface area. It would not therefore reduce the impact of street clutter in the area. Whilst the existing advertisement hoardings do not make a positive contribution to the amenity of the area, this does not provide justification for granting consent for a harmful advertisement.
8. The proposal would be readily apparent in an area that is overlooked by residential properties. It would appear out of place within the wider area with the presence of street trees providing only some visual obstruction to those living closest to the advertisement. I do not consider the presence of other advertising in the area, or the removal of existing advertisements on site, would ameliorate the impact or justify the proposal as their impact is less apparent.
9. Consequently, the proposed advertisement would harm the amenity of the local area. As such, the proposal would fail to meet paragraphs 127 and 132 of the Framework, which require development to be sympathetic to the local area and for the decision maker to consider the effect of advertisements on amenity. In accordance with the Regulations, I have also taken into account the provision of the development plan so far as it is material. The proposal would also fail to accord with Policies SD1, SS6 and LD1 of the Hertfordshire Local Plan – Core Strategy 2011-2031 (2015)(CS). These require development to be well integrated with its surroundings and are therefore material in this case.

Highway safety

10. The proposed advertisement would be contained within the 'frame' of the traffic signals as viewed by southwest bound traffic having previously merged from the gyratory. However, it would be located above the immediate eye-line of approaching drivers. During my visit I drove along this stretch of road during the early afternoon on a weekday, and with the benefit of the existing

advertisements as a reference point. There appeared to be sufficient distance between the traffic signals and the proposed advertisement so that the signals would be clearly legible for approaching vehicles in the event that the illuminated advertisement was present.

11. Even if I was to assume that the illuminated advertisement was to display a colour scheme similar to the traffic signal lighting, the straightness and width of Belmont Road offers a relatively unimpeded view along the road. It therefore seems that drivers approaching the signals would have a clear sense of horizontal perspective, with the traffic signals appearing brightly in the footway, and the clearly legible advertisement appearing some distance to the side of the offside traffic signal. This would also be raised above the roadside, with the community church as a backdrop. The proposal would not therefore be conflated with the traffic light on the northeast-bound side of the highway by either drivers or pedestrians using the crossing. Therefore, whilst the advertisement would be within drivers field of view and clearly present, I see no reason why it would confuse a driver's view of existing highway features.
12. The proposed illuminated advertisement would be close to the junction of Belmont Road and Belmont Avenue. The site is also near to a large format food-store towards the city and to the northeast of the site. Although Belmont road was free-flowing during my visit, I recognise that it would be likely to contain queueing traffic at busy times. However, I would expect such queueing to largely take place into the city rather than connected with outbound traffic. Furthermore, the split in the northeast bound carriageway occurs beyond the appeal site. This would be outside the eyeline of drivers, as the proposal would be orientated towards road users leaving the city. Accordingly, it seems unlikely that northeast bound road users would become distracted by the proposal or lead to collisions.
13. In reaching my decision I have had regard to the Guidance. However, as a result of the aforementioned, I find that the proposed advertisement would not prejudice public safety. Therefore, it would not conflict with paragraph 109 of the Framework which requires development to be resisted if it would have an unacceptable impact on highway safety. In so far as it is material, the proposal would also satisfy policy MT1 of the CS which seeks, inter alia, for development to not prejudice the safe and efficient flow of traffic on the network. However, this does not negate the harm to visual amenity I have identified.
14. I have considered the conditions suggested by the appellant to limit brightness, and secure controls over the display of images. However, these would not overcome the harm I have identified as they would not address the overall prominence of the advertisement resulting from the digital display, nor would they suitably address the effect of the constant digital illumination or changing images which would contribute to that harm. I do not consider therefore that these conditions, or others, would be sufficient to mitigate the identified harm to amenity.

Other Matters

15. The appellant has raised issue with the Council's determination of the application, indicating that insufficient account was taken of the removal of the two existing hoardings on the site. Even if this were so, my assessment has included consideration of the removal of the two existing hoardings and it does not change the outcome of my findings.

16. I have also had regard to the examples of other cases in evidence. These cover sites in various parts of the country. Whilst each case must be considered on its own merits, the majority of these sites seem to be in either commercial areas or adjacent to major roads. They are therefore in areas with a substantially different context to the proposal. As such, these examples have had a limited bearing on my consideration of the merits of the proposal.

Conclusion

17. Whilst I find no unacceptable harm to public safety, the development would unacceptably harm the visual amenity of the area. Therefore, for the reasons given, the appeal is dismissed.

B Plenty

INSPECTOR