



Appeal Decision

Site Visit made on 6 July 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/N2345/Z/21/3271037

95-97 London Road, Preston, PR1 4BA

- 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 Kristian Ball of Clearglow against the decision of Preston City Council.
 - The application Ref 06/2020/1307, dated 25 November 2020, was refused by notice dated 18 January 2021.
 - The advertisement proposed is 1no. internally illuminated LED digital advertisement board.
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Decision

1. The appeal is allowed and express consent is granted for 1no. internally illuminated digital advertisement board, in accordance with the terms of the application ref 06/2020/1307, dated 25 November 2020. 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:
 - i) The level of illumination shall not exceed 4800 candela per square metre during the day and 75 candela per square metre at night (between local sunset and local sunrise). The level of luminance of the advertisement shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within these limits.
 - ii) The advertisement shall not display any moving or apparently moving images (including animation, flashing, scrolling or video elements), or successive individual images that do not display the whole message, or images requiring close study such as public information panels, or images which resemble traffic signs as defined in section 64 of the Road Traffic Regulation Act 1984.
 - iii) The minimum display time for each advertisement shall be 10 seconds.
 - iv) There shall be an instantaneous transition between displays with no visual effects (including fading, swiping or other animated transition methods) between successive displays.
 - v) The advertisement shall include a safety mechanism that will turn the screen off and show a black screen in the event of a malfunction or error.

Main Issue

2. The main issue is the effect of the proposed advertisement on visual amenity.

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 (the 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.
4. The PPG sets out that the assessment of impacts on amenity takes into account the characteristics of the locality and whether the advertisement would be in scale and in keeping with any important historic, architectural, cultural or scenic features of the area.
5. The proposed advertisement would be located on the blank gable end elevation of 95-97 London Road which is at the end of a terrace with ground floor commercial uses and associated signage. The gable end faces sideways onto a car park that sits in front of a large flat roofed 2 and 3 storey building. Although in a residential area, there is a mixed character and appearance due to the varied sizes, styles and ages of buildings and the mix of land uses including commercial, car parks and green spaces.
6. The internally illuminated advertisement would be over 2m tall and over 4m wide and it would be approximately 2.67m above the ground. It would display static images only and brightness would be controlled by automatic sensor. The advertisement would be in an elevated and open location adjacent to the A6 London Road, which is a busy through route. It would not be visible travelling along the road away from the centre of Preston, but it would be visible travelling towards Preston centre and also from locations on the opposite side of the road.
7. Notwithstanding its large size, the advertisement would not dominate and it would not be out of scale with the unremarkable gable end of No 95-97. Moreover, although prominently sited next to the road, its size would be assimilated by the scale of the surrounding built environment which is characterised by the large and bulky neighbouring building, the wide multi-lane road and the open land including car parks to either side of the road.
8. There is no existing advertisement in this location and I did not see any other similarly large or internally illuminated advertisements in the immediate area. Consequently, while it would be a novel feature, the advertisement would not contribute to visual clutter nor would it be discordant or compete with other signage. Furthermore, there do not appear to be any features of particular historic, architectural or cultural merit, such that the advertisement would not diminish nor would it detract from sense of place or local distinctiveness. Taking account of the prevailing commercial character of the area and the separation from residential properties, sequential static images at controlled levels of brightness would not be visually obtrusive in this location.
9. In the appeal decision (Ref APP/N2345/Z/20/3261153) relating to a free-standing 3m x 6m digital advertisement, the Inspector found that the proposal was out of scale with and it would obscure the nearby building, resulting in unacceptable visual intrusion in the street scene. While the surrounding context was a similarly busy road with a commercial character, that scheme differs from the proposal including in terms of its size, scale and

its relationship to nearby buildings. On the evidence before me, it is not directly comparable to and it does not provide a justification to refuse the appeal scheme, which I have considered on its individual merits.

10. For these reasons, the appeal advertisement would not harm the character and appearance of the area. Therefore, it would not harm visual amenity. Although not determinative, I have taken into account the policies in the Preston Local Plan 2012-26 Site Allocations & Development Management Policies Adopted July 2015 (the LP). Given that I have concluded that the advertisement would not harm amenity, it would not conflict with the aims of LP Policy EN9. It would not conflict with the PPG or the Framework, which states that advertisements should be subject to control only in the interests of amenity and public safety.

Conditions

11. The Council has suggested planning conditions including controls on illuminance and the duration of displays, a cut out in the event of malfunction, and a restriction on the types of moving images that the PPG identifies as potentially more dangerous. I have assessed these against the tests in the Framework and I consider that they are necessary in the interests of amenity and public safety. However, it is not necessary to specify the approved plans as the decision grants express consent and not planning permission.

Conclusion

12. For the reasons set out above, I conclude that the proposed advertisement would not be detrimental to amenity. Therefore, the appeal should be allowed subject to the standard conditions set out in the Regulations and the additional conditions.

Sarah Manchester

INSPECTOR