



Appeal Decision

Site visit made on 15 January 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2021

Appeal Ref: APP/Z1775/Z/20/3260725

Advert Right Adjacent 28 Marmion Road, Southsea PO5 2BA

- 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 Richard Page (Insite Poster Properties) against the decision of Portsmouth City Council.
 - The application Ref 20/00393/ADV, dated 20 March 2020, was refused by notice dated 04 September 2020.
 - The advertisement proposed is replacement of existing advertising display with internally illuminated digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

3. The appeal site is located at the junction of Marmion Road and Richmond Place, within the Owen's Southsea Conservation Area (the Conservation Area). The site is also within a Principal Retail Area as defined within the Southsea Town Centre Area Action Plan¹. There is a mix of commercial and residential uses in the immediately surrounding area, with Marmion Road comprising predominantly commercial uses at ground floor and residential above. A large supermarket is located to the east of the site, on the eastern side of Richmond Place. The spire of the Grade II Listed St Jude's Church is located to the west of the site. There is clear intervisibility between the existing advertisement on the flank elevation of 28 Marmion Road and St Jude's Church when travelling west along Marmion Road.
4. The Conservation Area guidelines² describes the western section of Marmion Road as comprising a 'terrace of three storey, stucco shops on the north side and two storey shops on the south.' These features provide an attractive vista along Marmion Road and make a positive contribution to the character of the Conservation Area. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas)

¹ Adopted 17 July 2007

² Owen's Southsea Conservation Area No 2 Guidelines for Conservation (July 1994 – updated October 2006)

Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5. The proposed replacement illuminated digital display advert would be the same size as the existing paper and paste display and would be in, broadly, the same location on the brick flank wall of no 28. I have had regard to the conditions suggested by the appellant to control: the level of illumination; the minimum display time for each advert; the sequencing of adverts; the interval between displays; and visual effects. Even with these suggested conditions, the proposal would be more prominent than the existing advert by virtue of its illumination and frequently changing images. The proposal would contrast unfavourably with the far more restrained advertisement displays that are characteristic of other commercial uses in the vicinity. It would appear as an inharmonious and visually intrusive feature that would fail to preserve or enhance the character and appearance of the Conservation Area.
6. Furthermore, the proposed advert would appear unduly obtrusive in views of St Jude's Church from Marmion Road. This would result in harm to the surroundings in which the heritage asset is experienced and, therefore, also to the setting of the listed building.
7. I have had regard to the concerns that the proposed advertisement would be visually intrusive to the residents on the opposite side of Marmion Road. However, the illuminated display of the proposed sign would be angled away from the nearest residential windows. Consequently, the proposed advertisement would not be visually intrusive when viewed from nearby residential properties.
8. Overall, however, the appeal proposal would have a harmful effect on amenity. In accordance with the Regulations³, I have taken into account the provisions of the development plan so far as they are relevant. The proposal would conflict with Policy PCS23 of the Portsmouth Plan 2012, which notably seeks to safeguard the city's character and heritage, as well as paragraph 132 of the National Planning Policy Framework (the Framework) which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public Safety

9. The proposed illuminated advertisement would be sited such that it would be visible to those travelling west along Marmion Road. It would also be visible to those using the junction of Marmion Road and Wilton Place, as well as those turning left into Richmond Place from Marmion Road. The residential and commercial uses surrounding the site would generate a significant amount of pedestrian, cyclist and vehicular traffic along Marmion Road. At the time of my site visit (1300h–1400h), I noted the area around the site was busy with many pedestrians and vehicles.
10. The objection of the Local Highway Authority relates to the proposed brightness of the advert. I note that the appellant has suggested a condition controlling the illumination of the advertising display to no more than 300 Cd/sqm at night, and 5000 cd/sqm during daylight to accord with the Institute of Lighting Professionals publication 'The Brightness of Illuminated Advertisements PLG05

³ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2015'. The appellant advises that, during the daytime, internal sensors will ensure the display operates at a luminance level suitable to ambient conditions. Notwithstanding this, the appellant's suggested condition would allow a level of luminance in excess of the 800 Cd/sqm guideline in the Council's Highways Technical Note⁴ on illuminated signs.

11. The Planning Practice Guidance⁵ advises that advertisements may cause danger to road users where, amongst other things, they are: at a bend or at a junction; internally illuminated; and subject to frequent changes of the display. Whilst the advert would be viewed for a reasonable distance as road users approach from the east, the prominent siting of the advertisement on a junction, in combination with its illumination and frequent changing of images, would cause undue distraction to road users. As the image changes, there would not be adequate opportunity for drivers to assimilate the advertisement without harming drivers' concentration. This would increase the risk of accidents given the busy nature of the area.
12. As such, the proposed advertisement would harm conditions of public safety and would conflict with Framework paragraph 108 by virtue of its unacceptable impact on highway safety. The Council's third reason for refusal cites Policy PCS17 of the Portsmouth Plan 2012 which relates to transport. However, I have not been made aware how the advert would be in conflict with Policy PCS17 and I have not found conflict with this policy with regards to the specific issue of public safety.

Other Matters

13. The appellant has asserted that the advert would result in a range of public benefits. The policy balance in paragraph 196 of the Framework does not need to be considered when determining advertisement consent appeals within a conservation area or in relation to a listed building, as advertisements must only be assessed in the interests of amenity and public safety.

Conclusion

14. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR

⁴ Dated October 2017

⁵ Paragraph: 068 Reference ID: 18b-068-20140306 - Revision date: 06 03 2014