



Appeal Decision

Site visit made on 13 July 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/J1725/Z/21/3267796

Land at Brockhurst Gate Retail Park, Fareham Road, Gosport

- 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 Millngate Gosport Developments Ltd against the decision of Gosport Borough Council.
 - The application Ref 20/00302/ADVT, dated 31 July 2020, was refused by notice dated 3 December 2020.
 - The advertisement proposed is the erection of 2 No. LED signs with light sensors.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Within the documents submitted at the appeal stage there are slight variations in the given address of the appeal site. I have included the address used within the appeal form as it adequately describes the site's location.

Main Issue

4. The Council has concluded that the advertisements would be acceptable in terms of public safety and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons for the Recommendation

5. The appeal site is located in the southwest corner of the Brockhurst Gate Retail Park, a busy commercial area with a variety of illuminated and non-illuminated advertisements. In the southwest corner there is an open grassed area which includes ponds, landscaping and vegetation that together provide a green buffer between the Retail Park's commercial units and the busy A32 to the west. There is a limited amount of illuminated advertisements in this area of the Retail Park which includes a totem sign positioned on the edge of the grassed area, close to the A32 and nearby bus-stop, and a large sign affixed to the Premier Inn Hotel on the opposite side of the road.

6. The appeal site is located on the southern boundary of the Retail Park, in front of an existing electrical sub-station which has a utilitarian appearance, muted colours and a low height. At the time of the site visit, the sub-station was surrounded by hoarding which accommodated an existing non-illuminated advertisement. The wider southern boundary is lined with numerous well-established trees which soften the appearance of the commercial area and provide a transition into the more verdant area surrounding Fort Brockhurst to the south. There are partial views of Fort Brockhurst, a Scheduled Ancient Monument (SAM), through this line of trees. The SAM has a Redan sited close to the boundary with the appeal site and the evidence shows the remaining open space around the monument is associated with its historic 'fields of fire'.
7. The proposal is the installation of two LED illuminated displays that would be located directly in front of the existing electrical sub-station. They would be set back from the A32 and would not cover any clear views of the SAM from the Retail Park. The proposal would be most visible to those approaching from the north along the A32 and to those crossing the open space in front.
8. As the southwest corner of the Retail Park has a more verdant character and is largely free from illuminated signs, the proposed displays would appear as incongruous additions. While the proposed advertisements would not affect the usability of the open space, they would detract from its overall appearance by visually encroaching upon the green buffer between the commercial units and A32. The proposed displays would therefore be harmful to the amenity of the area.
9. Although the electrical sub-station and hoarding have a utilitarian appearance, their low height and muted colours allow the development to partly recede into the trees behind which reduces its visual impact. In contrast, two LED displays of considerable size would attract substantial attention during the day and would be highly visible at night against the wider backdrop of dark trees. The proposed displays would not conceal the electrical sub-station in a manner that offers a visual amenity benefit to the area, rather their prominence would appear visually obtrusive along the southern boundary.
10. The appellant has referred to a select number of illuminated signs in the nearby vicinity, however, upon my site visit I noted these to be in a different context to the proposal. The totem sign, for instance, is located on the edge of the grassed area, close to the A32, and appears as a road-side advertisement that does not significantly encroach upon the green buffer. The Premier Inn sign, located on the opposite side of the road, is set against a tall building with many windows that would emit light during the night thus reducing its visual impact. Ultimately, the proposed LED displays would not complement the existing signage in this area and would appear incongruous at this location.
11. While the proposed signs would be off-set from the main view of the SAM, their siting would still presents harm to its wider setting. The southern boundary is characterised by a belt of well-established trees that soften the transition between the commercial area and the SAM. The proposal would add visual clutter and distraction to this area and would diminish the setting from which the heritage asset is experienced. In addition to the harm already identified above, this would be further detrimental to the amenity of the area.
12. Given the above, the proposal would result in unacceptable harm to the amenity of the area. It therefore would conflict with Policy LP10 of the Gosport

Borough Local Plan, adopted October 2015, which seeks to ensure that new development is well-designed to respect the character of an area including its heritage assets and their setting.

Other Matters

13. Evidence has been submitted that outlines a number of economic and social benefits that the proposed advertisements would bring to local businesses, tourist attractions and events. It has also been suggested that the LED display technology, which would offer greater flexibility to advertisers, presents a new opportunity to the wider Gosport area. These benefits, however, would not outweigh the harm identified against the amenity of the area.
14. Even if there were some benefits agreed by English Heritage with regard to free advertisement opportunities, these would not outweigh the harm identified against the setting of the SAM and the amenity of the wider area.
15. The appellant has submitted documents pertaining to an approved application for a number of internally illuminated advertisements at a Starbucks unit on the opposite side of the A32. While the officer's report does not raise substantive issues with regard to the proposal's effect on the setting of the SAM, this application is considered in a different context due to its significant distance from the SAM. In any instance, each case must be determined on its own individual merits.

Conclusion and Recommendation

16. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR