

Appeal Decision

Site visit made on 3 August 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/M3835/Z/21/3273669

274 Dominion Road, Worthing, Broadwater BN14 8JJ

- 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 Wildstone Estates Limited against the decision of Worthing Borough Council.
 - The application Ref AWD/0206/21, dated 27 January 2021, was refused by notice dated 7 April 2021.
 - The advertisement proposed is a digital advertisement poster which will display multiple static advertisements on rotation.
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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.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area.

Reasons for the Recommendation

4. The site is an end-of-terrace house. It is located at the beginning of Dominion Road as it leads off from the nearby roundabout. Adjacent to the left is a small car parking area that serves the osteopathic practice further to the west. The row of terraced houses on which the advertisement would be sited is wholly residential and represents a positive example of housing of this type and era. There are also many other dwellings in the area around the site which contribute to the location's sense of place. The roundabout is fairly large, and at the time of the site visit, it was observed that it accommodates a moderate amount of traffic. There is a petrol station on the opposite side of the roundabout, which is a substantial distance from the site. A few other commercial premises are located within the wider vicinity.
5. The advertisement would occupy much of the side wall at first-floor level. It would extend in all directions to almost the maximum capacity between the windows and the eaves, and overall it would cover a significant proportion of the wall. Due to its size, it would be unsympathetic to the design and scale of the building, and would dominate the western side of the house. The commercial appearance of the advertisement would also be at odds with the

- existing character of the dwelling and the rest of the terraced row. This would have a harmful impact on the amenity of the area.
6. Given that the illumination of the advertisement would be static, of a low intensity, and responsive to changes in light levels, its effect would be insignificant during the day when compared to a non-illuminated poster. However, the illumination would increase visibility of the advertisement during darker hours of the day and in the evening. It would in this way exacerbate the harm that would arise. Limiting the advertisement's rotation of images, and other restrictions, would not alleviate the harm.
 7. A non-illuminated advertisement was previously sited in the same location, and was removed in 2019. Although the proposed advertisement has been designed to mimic the previous advertisement, this would not justify or mitigate the harm that would occur to the visual amenity of the area. Large scale advertisements are not characteristic of the area. Other advertisements in the vicinity are dissimilar to the one proposed, and do not share the same immediate context. The proposed advertisement is in any case considered with respect to its own particular merits. Even if there had been no enforcement action upon the previous advertisement, and even if it would have previously benefitted from deemed consent, the effect of the proposal should still be considered on its merits, and the previous advertisement was materially different to the appeal scheme.
 8. Properties 2, 4, and 6 Sompting Road lie roughly perpendicular to 274 Dominion Road. Oblique views of the advertisement would be possible from the first-floor rear windows of these dwellings. There is a substantial distance present between the advertisement and Nos 2, 4, and 6, and the light emitted from the advertisement would be limited in its area of effect. Distant and oblique views of the advertisement from the rear windows would not cause harm to the outlook of the occupiers. The occupiers of other dwellings would be similarly unharmed. The advertisement would not therefore harm amenity in so far as it relates to the living conditions of neighbouring residents.
 9. For the reasons above, the advertisement would harm the amenity of the area. It would therefore conflict with the National Planning Policy Framework which seeks to protect amenity. It would also fail to comply with Policy 16 of the Worthing Core Strategy (April 2011) which seeks to ensure good quality design and that a positive response to the important aspects of local character is achieved.
 10. The Council has referred to saved Policy H18 of the Worthing Local Plan. This Policy is focused on residential amenity. There has been no harm found in relation to this aspect of amenity, and so there would be no conflict with it. This, however, does not mitigate or outweigh the harm identified.

Other Matters

11. The Council has found no issues relating to public safety. There is no reason to disagree with the Council on this matter. Due to the advertisement's placement, and its low level of illumination, the same view is reached in this recommendation. This, however, does not mitigate or outweigh the harm identified.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

13. 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