



Appeal Decision

Site visit made on 16 August 2021 by Darren Ellis MPlan

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/W2465/Z/21/3275591

Ibis hotel, 12 Constitution Hill, Leicester, LE1 1PL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Paul Callingham against the decision of Leicester City Council.
 - The application Ref 20210274, dated 8 February 2021, was refused by notice dated 8 April 2021.
 - The advertisement proposed is 1 x D48 (digital 48 sheet) wall mounted.
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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.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

5. The Ibis Hotel is situated at the junction of St Georges Way and Swain Street. The area around the hotel is commercial in nature and includes a range of fascia and wall signs, some of which are illuminated. The proposed digital advertising screen would be erected on the northern elevation of the hotel. The bottom edge would be situated well above ground level and consequently it would be visible to traffic and pedestrians travelling in southbound along St Georges Way, a major route through the city.
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6. The existing advertisements in the area are modest in size, with no 48-sheet advertisements present. Furthermore, while some of the existing signage is illuminated, there are no existing digital screens. Even with the illumination levels restricted during the hours of darkness, the proposed digital screen would introduce a large, permanent illumination that would draw the eye and would appear conspicuous in the context of the surrounding area where advertising displays are generally more discreet. The illumination would only serve to highlight the unsympathetic scale and height of the advert, which would be exacerbated by its prominent location in full view of traffic passing along the ring road and adjacent public thoroughfares. I recognise that the streetscape is varied and includes large, modern, functional commercial buildings, tall street-lights, and is a major transport corridor. Nonetheless, the presence of such a large and prominent digitally illuminated display would not be sympathetic in the existing context.
7. Whilst the hotel is not an unduly impressive in architectural terms, there is a pleasing rhythm to the fenestration and the comparatively blank section above the entrance provides a simple contrast, being presently adorned only by the hotel signage which reflects the vertical emphasis of the building. In contrast, the horizontally aligned advert would have little relationship with the hotel in design terms and would add clutter to the frontage, thereby appearing as an incongruous addition, bolted on to the front of the building with the sole aim of attracting visual attention.
8. I note the appellant's concern that the Council takes a 'very restrictive policy' towards the new development of advertisement displays and that 'applications are determined purely on informal policy of refusal rather than an analytical and balanced analysis'. However, the Council's delegated report makes a clear and reasoned assessment of the site-specific details of the proposal. Based on the evidence before me, I have no reason to believe the Council's approach is overly restrictive or based on an informal policy of refusal. In any event, I have assessed the proposal based on its individual merits.
9. The Council has drawn my attention to CS Policy 3 of the Core Strategy (July 2014), which seeks to ensure that development responds positively to its surroundings and contributes positively to the character and appearance of the local area. As I have concluded that the proposed advertisement would harm visual amenity, it therefore would not accord with this policy, albeit that non-compliance with the development plan is not, of itself, decisive.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed digital advertisement would cause harm to the visual amenity of the area. I therefore recommend that the appeal is dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR