



Appeal Decision

Site Visit made on 16 August 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/X1355/Z/21/3279529

Unit 4 Durham City Retail Park, McIntyre Way, Gilesgate Moor, DH1 2RP

- 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 Walker against the decision of Durham County Council.
 - The application Ref DM/21/02156/AD, dated 15 June 2021, was refused by notice dated 20 July 2021.
 - The advertisement proposed is 2no internally illuminated SMD LED Digital Displays to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive; however, I have taken them into account as a material consideration where relevant.
3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework') replacing the previous version. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
4. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework. Paragraph 132 of the replaced Framework, concerning advertisements, has been unchanged in the revised Framework and is now paragraph 136.

Main Issue

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

Reasons

6. Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. The Regulations state that 'amenity' includes aural and visual amenity and that factors relevant

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

to amenity include the general characteristics of the locality. The Planning Practice Guidance (PPG) advises that in assessing amenity, the local characteristics of the neighbourhood would always be considered². Policy 29 of the County Durham Plan which requires that adverts are not detrimental to visual amenity.

7. The property that this appeal relates to is a typical large format retail park unit set amongst other similar units. The retail park is of a large scale, with signage relating to the occupying business also being of a large scale.
8. I saw at the site visit that the two proposed digital posters would replace existing adverts located on the front elevation of the commercial property, described by the Council as secondary signage.
9. The proposed LED signage would be illuminated and of a large scale, even in the context of the host building and existing signage, situated at a high level and therefore visually dominant, harming the visual amenity of the area.
10. The appellant notes the "substantial advertising holdings at the nearby B&Q, Dunelm, Sports Direct, Pizza Hut and KFC" that are located at a high level and to that extent are similar to the appeal proposal. However, I observed that the vast majority of secondary signage in the retail park and surrounding area was not LED or internally illuminated, the Council details that proposals for such signage has not been granted in respect of other properties in the retail park.
11. The appellant refers to the successful use of LED signage elsewhere and while some very limited details are provided, no context or specific details of the signs are specified. The appellant details that the proposed signs would "attract investment" and "increase Durham's tourism potential" but no substantive details are provided.
12. Based on the evidence before me and my observations at the site visit, I find that as a result of the visual prominence of the proposed signage, being situated at a high level of the building and by its nature being illuminated would, in combination with existing advertisements on the appeal property, harm the visual amenity of the area.
13. The proposal is therefore contrary to paragraph 136 of the Framework and Policy 29 of the County Durham Plan in so far as it is material to the appeal.

Conclusion

14. For the reasons given above I conclude that the display of the advertisements would be detrimental to the interests of amenity.

Mr M Brooker

INSPECTOR

² Paragraph: 079 Reference ID: 18b-079-20140306