



Appeal Decision

Site visit made on 2 November 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2021

Appeal Ref: APP/W1905/Z/21/3275551

60 High Street, Cheshunt EN8 0AQ

- 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 Alight Media against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0196/AC, dated 17 February 2021, was refused by notice dated 19 May 2021.
 - The advertisement proposed is Replacement of an existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires a Local Planning Authority shall exercise its powers in the interests of amenity and public safety taking into account: (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. I have considered the appeal on this basis.
3. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and Appellant the opportunity to comment upon its implications for their respective cases.

Main Issues

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

Reasons

Amenity

5. The appeal site is within a busy mixed use local centre characterised by a mix of historic, post-war, and newer buildings of a variety of uses and architectural styles. The site is a first and second floor flank elevation of an older building with a ground floor commercial use below a residential use. The advertisement would replace a static display of a similar size, that has been present for a number of years and is understood to benefit from a deemed consent.
6. The appeal site is viewed in the context of a variety of other shop fronts, fascia boards, projecting signage, A-boards, and wall mounted signage. Given the

forward projection of the building and being significantly higher and larger than others I saw at my visit, the advert is prominently visible from the north. However, as it is static and non-illuminated it is generally in keeping with the area, making a neutral contribution to the amenity of the area.

7. While some commercial adverts are illuminated and there is street furniture, streetlamps, and significant levels of traffic providing ambient illumination, the adverts and signs are almost all static, and are significantly smaller, lower, and of differing appearance to this proposal. While this new advertisement would be a similar size to the existing, it would be constructed of LED panelling and internally lit to display illuminated changing advertisements on a specified cycle, at a luminance not to exceed 300 cd/m².
8. The suggested luminance levels and limits, automated brightness, restricted visual effects, change intervals, and hours of operation, are noted. However, notwithstanding the mixed use character of the area, as a consequence of a combination of its large size, significant height, highly prominent position, and its illuminated LED display with changing imagery, the new advertisement would be dominant, significantly incongruent, and harmful to the amenity of the area. Therefore, I do not regard it as an overall improvement to the existing board. It would be highly prominent from the footway and carriageway for a significant distance to the north.
9. Paragraph 18b-079-20140306 of the Planning Practice Guidance (the PPG) provides an example of where an advertisement might be acceptable having regard to local context. However, it is not intended as blanket guidance to permit all such advertisements in commercialised areas and does not justify allowing this advertisement, which I find harmful for the reasons outlined.
10. For the reasons set out above the advertisement would be harmful to the amenity of the area. I have had regard to Policies DSC1 and DSC9 of the Broxbourne Local Plan (2020) (the BLP). These are of relevance insofar as they aim to secure a high quality of design that protects amenity, preserve character and appearance, seek to limit inappropriate advertisements, and set out criteria against which advertisements shall be assessed. As DSC1 refers to 'development' it is not decisive in my determination.
11. As Policy EQ3 of the BLP referred to in the Council's first reason for refusal, makes reference to the amenity of residents, highway users, biodiversity, and information requirements, it is of less relevance to this main issue than the policies I have mentioned above.

Public Safety

12. The advertisement would be a short distance north of a pedestrian crossing, close to a number of designated parking bays directly outside services and facilities and the access to two off-street parking areas opposite. While my visit can only represent a brief snapshot in time this part of the High Street was busy with traffic, with vehicles frequently entering and leaving spaces onto the highway, and pedestrians using the crossing. Therefore, various modes of transport were frequently manoeuvring and travelling in different directions close to the appeal site.
13. Even if there is good forward visibility from the north and the speed limit is 30mph, many vehicles would be entering this part of the High Street from close

proximity to the advert, for example from the roundabout, the parking bays, and accesses just to the north of the site. The large, bright, regularly changing adverts would be viewed in conjunction with vehicles entering the flow of traffic when approaching from the north off the mini roundabout and in conjunction with the pedestrian crossing at a close proximity.

14. It is not clear whether or not the Highway Authority had access to the full information before me. However, having regard to the advice in paragraph 18b-067-20140306 of the PPG, I am of the view the scale, position, luminance and changing images would be likely to be a distraction to highway users in this section of High Street. Therefore, based upon the evidence before me, the advertisement would have a harmful effect upon the free flow of traffic and compromise highway safety resulting in harm to public safety.
15. I note the Inspector's findings in Appeal Ref. APP/E0915/Z/20/3263415 quoted by the appellant. However, paragraphs 10 – 12 of that decision letter include references to traffic lights not being viewed directly in front of the advert, a dedicated right turn lane with a head that would not be viewed in the context of the proposal, and that drivers leaving a car park would only be able to view the edge of the display panel. Therefore, the relative position of that proposal and the highway conditions are significantly different and not directly comparable to this appeal proposal, which I have considered on its own merits.
16. For the reasons set out above the advertisement would prejudice public safety. Policy TM2 of the BLP is of relevance insofar as it aims to ensure proposals do not compromise the safety of movement corridor users, however, as it refers to 'development', the policy is not decisive in my determination.

Other Matters

17. The Council's Environmental Health adviser does not consider sufficient information has been provided to judge the effects upon nearby residential receptors. However, as I am dismissing this appeal due to its affect upon amenity and public safety, I have not investigated this matter further.
18. The absence of complaints to the existing advertisement does not justify allowing this appeal given the different effects and appearance of the proposal. Given the nature and location of this proposal, I am not satisfied the effects of the advertisement could be mitigated by planning conditions.
19. The benefits of the new advertisement to the existing in respect of matters such as poster disposal, health and safety, recycling, duration of use, remote control, vehicular miles, removability, public information, and economic benefits following the Covid-19 pandemic, would be limited. Such matters do not overcome the harm to the amenity of the area and public safety, which would be significant and attract significant weight.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR