
Appeal Decision

Site visit made on 27 October 2021

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/V1505/Z/21/3277628

Gala Social Club, Southernhay, Basildon, SS14 1DH

- 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 Rob Smith/Alight Media Ltd against the decision of Basildon Borough Council.
 - The application Reference 21/00685/ABAS, dated 24 April 2021, was refused by notice dated 28 May 2021.
 - The advertisement proposed is the installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high and comprising pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Main issue

2. I agree with the parties that public safety is not a matter of concern in this case. Therefore, the main issue is the effect of the proposal on visual amenity.

Reasons

3. Looking first at the character of the area, the commercial and retail buildings in the vicinity of the appeal site, either side of the dual carriageway, display an array of bold signs as part of their fabric. There are also several advertising banners affixed to buildings. An existing relatively small, twin sided, freestanding, non-illuminated sign is located in the vicinity of the proposed replacement digital display.
4. It is suggested that the proposal should be considered in the context of tall lighting columns, the scale and mass of the Westgate Shopping Park and the backdrop of The Icon. Whilst these form part of the wider surroundings, the appeal site itself has an immediate backcloth of modest trees within a small, landscaped area which provides a foil to the low-level buildings and yard to the rear.
5. Within this overall framework, I consider that the proposed freestanding digital display would appear as a prominent and distracting feature which would adversely dominate and undermine its simple landscaped setting. As such it would appear highly intrusive and out of character with its surroundings and result in an adverse effect on visual amenity.

6. Although it is said that advertisements of this nature are commonly found on arterial roads and alongside commercial areas, reflecting current market requirements, each proposal must be considered on merit in light of prevailing local characteristics. I have considered the examples provided but find them to be of little comparative value.
7. For example, the Colchester Road, Romford appeal decision concerned the replacement of an internally illuminated sign where the Inspector concluded that '*..... the proposal would not result in additional harm to the amenity of the area and would marginally improve it*'. As to the South Street, Romford decision, this was an upgrade of an existing advertisement described as '*fixed to a gable wall and like for like in scale*'.
8. Whilst I acknowledge that the appellant has attempted to overcome the Council's misgivings about an earlier unsuccessful proposal, I have found that the scheme before me would nonetheless represent a highly conspicuous and intrusive addition to the street scene to the detriment of visual amenity.
9. The proposal would therefore conflict with Saved Policy BAS BE18 of the Basildon District Local Plan (2007) and with Policy DES7 of the emerging local plan, with particular reference to the location of the display and its adverse effect on the street scene. Both policies are material considerations to be read in combination with paragraph 136 of the Framework which warns that '*the quality and character of places can suffer when advertisements are poorly sited*'.
10. Having considered all other matters raised, I dismiss the appeal.

David MH Rose

Inspector