



Appeal Decision

Site visit made on 9 November 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 November 2021

Appeal Ref: APP/J4525/Z/21/3284232

122 Hylton Road, Sunderland, SR4 7XT

- 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 Group Limited against the decision of Sunderland City Council.
 - The application Ref 21/01418/ADV, dated 7 June 2021, was refused by notice dated 9 August 2021.
 - The advertisement proposed is upgrade of existing 48-sheet illuminated advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issues

2. Paragraph 136 of the National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts.
3. The Council has drawn my attention to policies it considers relevant to this appeal and I have taken them into account as a material consideration though they have not, by themselves, been decisive in my determination.
4. I consider that the main issues in this case are the effect of the advertisement on the amenity of the area and public safety.

Reasons

Amenity

5. The appeal site is the gable wall of an end of terrace property that fronts onto Hylton Road, in close proximity to a road bridge which crosses the Metro line. The host property is situated on a mainly residential terrace other than for two ground floor commercial units. There are commercial units along Hylton Road and a supermarket opposite; however, beyond Hylton Road, the area is primarily residential.
6. An existing 48 sheet hoarding occupies the gable wall which appears to have been displayed for at least ten years and so benefits from deemed consent. It occupies a large proportion of the gable end sitting between the edge of the front wall and a first-floor window. It is proposed to replace the existing hoarding with an illuminated digital advertisement which will display multiple static advertisements on rotation around every ten seconds.

7. The location, orientation and size of the advertisement would remain the same as the existing. Nevertheless, the proposed illumination and frequent rotation of the display would significantly increase the visual prominence of the advertisement, particularly in the evening and at night. The area is well lit by streetlamps and I noted a variety of commercial advertisements along Hylton Road. However, I saw no illuminated advertisements of a similar scale to the appeal proposal, and none have been drawn to my attention. The proposal due to the scale, illumination and changing display would introduce an incongruous feature in a visually prominent location to the detriment of the amenity of the area.
8. Number 43 Close Street (No 43) situated to the north-east of the site, beyond the Metro line has a first-floor window serving a habitable room to the rear elevation. The changing, illuminated display in the evening would appear prominent in views from the first-floor window, albeit in oblique views.
9. The appellant has indicated that they are prepared to reduce the evening luminosity of the proposal and to also not illuminate the display between 0000hr to 0500hrs and has suggested conditions to this effect. However, this would not overcome my concerns regarding the visual prominence of the proposal and the changing display in the evening and at night outside of these hours.
10. For the reasons stated, the proposal would harm the visual amenity of the area. In reaching this finding I have taken account of Paragraph 136 of the Framework and Policies BH1 and BH4 of the Council's Core Strategy and Development Plan (CSDP) in so far as they seek to protect the amenity of the local area.

Public Safety

11. Planning Practice Guidance (PPG)¹ states that "all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety". The list of examples includes junctions, roundabouts and pedestrian crossings. Furthermore, the PPG² advises specifically that internally illuminated signs "which are subject to frequent changes of the display" may cause danger to road users. The proposed advertisement would change around every 10 seconds which in my view represents a frequent change of display.
12. The proposal would be situated near the bridge which crosses the Metro line and a controlled pedestrian crossing on the brow of the bridge. Hylton Road is a main radial route to Millfield and the city centre and so is heavily trafficked. The pedestrian crossing is well utilised reflecting the location of Millfield Metro Station just below the bridge.
13. The proposal would be situated in an off-side carriageway position and would be within the sightline of drivers travelling in a westerly direction. The Highway Safety Report³ submitted in support of the proposal considers that in free-flowing conditions of 30mph the proposal would change only a maximum of once on the approach to the site. However, this does not account for slower moving traffic at busier times or traffic slowing at the lights.

¹ Paragraph: 067 Reference ID: 18b-067-20140306

² Paragraph: 068 Reference ID: 18b-068-20140306

³ Vectos, September 2021

14. Plan number VN212076-D100 of the Highway Safety Report shows that the display would be to the right of the offside traffic light when approaching the traffic signals at around 43m to the east of the pedestrian crossing. However, I noted on my site visit that the offside traffic light would be seen against the backdrop of the proposed display at certain points on the approach to the crossing. Whilst the change of image would be instantaneous, the frequent change combined with the illumination of the proposal would cause a distraction to drivers approaching the lights and pedestrians crossing the road. It would, therefore, prejudice both vehicular and pedestrian safety particularly in the evening, at night and early mornings in the winter.
15. The appellant has suggested conditions to control the brightness of the display and ensuring that the display would be switched off between 0000 and 0500hrs; however, this would not address my concerns in relation to the general illumination and frequent change of image in such close proximity to the pedestrian crossing in the evening, at night and early mornings outside of those hours.
16. The Highway Safety report draws attention to the accident record in this location which involved 3 accidents in the last five years which it concludes were not linked to the existing advert. However, this only serves to demonstrate that the existing advert is not linked to a road safety problem and does not take into account the illumination and changing display of the appeal proposal.
17. Attention is drawn to a number of cases where existing static display panels have been converted to digital advertising displays situated in close proximity to traffic lights and junctions which the appellant considers are comparable to the appeal proposal. However, very limited information is provided in relation to those cases and so I cannot be certain that they are directly comparable to the appeal proposal which limits the weight which I can attach to them in my decision. In any event, I have decided the appeal on its own merits.
18. For the reasons stated above, the proposal would harm highway safety and would conflict with Policies BH4 and ST3 of the CSDP which seek to ensure adverts do not impact on public safety and that development does not cause road safety issues.

Other matters

19. Attention is drawn to the potential environmental, social and economic benefits of the proposal; however, I must limit my consideration of the appeal to matters of amenity and public safety. In any event, those benefits would not outweigh the totality of the harm which I have identified.

Conclusion

20. For the reasons stated above, I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety.

Caroline Mulloy

Inspector