



Appeal Decision

Site Visit made on 2 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/W3710/Z/21/3278338

152 Queens Road, Nuneaton CV11 5ND

- 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 Nuneaton and Bedworth Borough Council.
 - The application Ref 037871, dated 9 March 2021, was refused by notice dated 10 May 2021.
 - The advertisement proposed is described as upgrade of existing advert to support digital poster.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that there is a separate consent process to control the display of advertisements¹. The Framework, the Regulations, and the Planning Practice Guidance (PPG) all make it clear that advertisements are controlled with reference only to their effect on "*amenity*" and "*public safety*"². The provisions of the development plan, and any other relevant factors, can be considered, so far as they are material³. I have assessed the proposal in accordance with the Regulations.

Main Issues

3. The main issues are:
 - the effect of the proposal on the "*amenity*" of the area, and
 - whether the proposal would affect "*public safety*".

Reasons

Amenity

4. The PPG advises that "*amenity*" includes visual and aural factors that relate to the general characteristics of a locality; and, although it is a matter of interpretation for the decision-maker in each case, "*amenity*" is usually

¹ They are regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations).

² Paragraph 132 of the Framework; Paragraph: 001 Reference ID: 18b-001-20140306 Revision date 06 03 2014 of the PPG, and section 3(1) of the Regulations.

³ Section 3(1)(a) and (b) of the Regulations.

understood to be concerned with the effect of an advertisement on an area where residents or passers-by would be aware of it⁴.

5. I understand the site is located adjacent to the boundary of the Queens Road District Centre, (DC), where there is a mix of commercial (including shops, restaurants and take-aways) and residential uses. However, the site is located around 100m from the western end of the row of shops within the heart of the DC, and the immediate surroundings of the site are predominantly residential, with only a handful of small commercial units within the immediate vicinity of the site. The general character and appearance of the area around the site is therefore distinctly different to that of the more commercial core of the DC. Due to these factors, to my mind the site is not perceived as being part of the DC.
6. The proposed digitally illuminated advertisement would be sited on the gable end of a short terrace of two-storey dwellings. It would be around 3m high, 6m wide and 0.06m deep, and the base of the sign would be around 3.3m from the ground. The proposed advertisement would be illuminated via a static means of internal illumination. I consider the siting, size, digitised appearance and illumination of the proposed sign would make it very visually prominent.
7. I appreciate that there is an existing advertisement hoarding displayed at the site, basically positioned where the proposed advertisement would be sited and of the same size. I also acknowledge that there are many commercial properties within the DC with illuminated signs attached. However, in my opinion, the digitised appearance and illumination of the proposed sign would have a significantly different character and appearance to that of the existing non-illuminated hoarding. Furthermore, the proposal would be substantially larger than the existing generally small-scale illuminated fascia and hanging signs within the DC.
8. The proposed sign would be sited close, around 18-20m, to habitable room windows located on the western facing elevations of the block of flats opposite the site. Due to the size, siting, digitised appearance and illumination of the proposed sign, and the location of the site within an area that has a predominantly residential character and appearance, there is no doubt that the proposed sign would be seen by residents and passers-by. To my mind, the digitised appearance and illumination of the proposed sign would have a detrimental effect, harmful to both residents and passers-by, on the character and appearance of the area.

Public safety

9. I acknowledge that the eastern half of Queens Road which leads to the appeal site is relatively straight, that the proposed digital display could change frequently, that there are several junctions along the road and that there is a signalised pedestrian crossing located around 50 m from the site. However, I believe these site-specific circumstances do not create hazardous conditions; rather, my observations on site were that due to the conditions, vehicles tended to travel at slow speeds along the road and drivers slowed down as they approached the signalised crossing close to the site. For these reasons, I consider the proposed signage would not be a significant distraction to drivers and as such the proposal would not pose a significant threat to public safety.

⁴ PPG Paragraph: 079 Reference ID: 18b-079-20140306 Revision date 06 03 2014

Other considerations

10. I note that the appellant is willing to accept a night-time level of illuminance of 100cd/m. Additionally, the appellant suggests that the sign as proposed would be more durable and sustainable than the existing sign. I consider these are minor factors that weigh in favour of the proposal; as such, I attach little weight to them, and conclude that these other considerations do not outweigh the harm I have found.

Conclusion

11. Notwithstanding my conclusion regarding public safety, as I have found that the proposal would harm the character and appearance of the area, for the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR