



Appeal Decision

Site visit made on 24 November 2021 by A J Sutton BA (Hons) DipTP MRTPI

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Appeal Ref: APP/U1620/Z/21/3281176

Land Adjacent to Burger King, Bristol Road, Gloucester, GL2 5DH

- 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 Paul Hardy C/O Vivid Outdoor Media Solutions against the decision of Gloucester City Council.
 - The application Ref 21/00711/ADV, dated 8 June 2021, was refused by notice dated 4 August 2021.
 - The advertisement proposed is one LED illuminated digital poster display panel.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. 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.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The Council has raised no objection to issues of public safety, and I observed nothing which would lead me to dispute this conclusion. Therefore, the main issue is the effect of the advertisement on the visual amenity of the area.

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

Reasons for Recommendation

6. The appeal site fronts a busy highway intersection and is close to a main route to the City centre. Although the road network dominates the area, and is lined by a variety of commercial premises, the food outlet units near the site have been carefully designed. The character of this relatively new commercial development is made distinct by the backdrop of the waterway and a wide bank of vegetation which limits further development in this immediate area. Secunda Way, just north of the appeal site, narrows at the bridge and leads to relatively undeveloped land beyond, which is screened by the bank of the canal. But I saw that the appeal site is located at a point of transition from the distinctly urban to a greener fringe and is untypical of the wider commercial area in this respect.
7. Whilst the Planning Practice Guidance indicates that large poster-boards may be suitable in a commercial context it clarifies '*in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood.*' In support of this the Framework, at paragraph 136, highlights that the quality and character of places can suffer when advertisements are poorly designed and sited.
8. The proposed free-standing, elevated, large panel, with a digital display, would be positioned at the undeveloped edge of the urban area. As a result of its orientation, it would principally be viewed in that context as opposed to forming part of the nearby built environment. Consequently, the stridently commercial feature would appear an incongruously overbearing form that would be out of keeping with this part of the urban fringe.
9. There are examples of illuminated advertisements in the area. However, the proposed LED illuminated advertisement, with changing images, would be considerably larger than, and different in style to, the signage denoting the nearby food outlets. Its scale and style would therefore dominate and overwhelm the area rather than harmonise with existing advertisements. It would also be at odds with the undeveloped features that bind and complement these commercial premises. In this respect the sizeable structure would fail to visually integrate with its setting and would harmfully alter the character of this well-planned area.
10. Therefore, I conclude the proposed advertisement would be a discordant feature which would harm the visual amenity of the area. Although not decisive in this appeal, it would conflict with policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy which requires, amongst other matters, that proposals should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness.

Other Matters

11. The details of the appeal allowed in Carlisle are noted. However, that appeal relates to a different town and context and therefore is not comparable to this proposal. It does not therefore weigh in favour of this case which has been determined on its individual merits.
12. Sustainable benefits are matters outside the scope of the Regulations governing advertisements. For this reason, these matters have not been decisive in this case.

Conclusion and Recommendation

13. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and agree with the recommendation. The appeal is therefore dismissed.

Zoe Raygen