



Appeal Decision

Site visit made on 10 January 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2022

Appeal Ref: APP/Z1775/H/21/3273327

Land on the west side of 53 Derby Road, Portsmouth P02 8HW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Alight Media against Portsmouth City Council.
 - The application Ref 21/00073/ADV is dated 14 January 2021. The advertisement proposed is for the removal of 2 No existing 48-sheet advertisement displays and replacement with 1 No illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Regulations¹, the *National Planning Policy Framework* (2021) (the Framework) and *Planning Practice Guidance* (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reasons for refusal refer to Policy PCS23 of the Portsmouth City Council, 'A spatial plan for Portsmouth', The Portsmouth Plan, Portsmouth's Core Strategy 2012 (PCS), and Paragraph 136 of the Framework. I have taken these Policies into account insofar as they relate to amenity.
3. However, the Council raise no objection to the proposed advertisement in respect of public safety, and having assessed the proposal, I see no reason to disagree. The main issues in this case are therefore, the effect of the advertisement display on the visual amenity of the area and the neighbouring occupiers.

Reasons

4. The appeal site is a small parcel of land located in a dense residential area of predominantly two-storey dwellings near to the junction with Derby Road and Stamshaw Road (the A3) as it curves towards Rudmore Roundabout and the M275 motorway. The site is bordered by a low brick wall with a metal fence atop that appears to be unlit other than street lighting to the front. The site has two unilluminated approximately 6 x 3m billboards to the rear which face towards the 'Derby Tavern' public house on the other side of the highway and Lower Derby Road.

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

5. The proposal is to replace the two existing 48 sheet billboards with one internally illuminated digital LED screen. The screen would be located to the rear of the site in a similar location to the existing boards and be statically illuminated. The board would be similar in mass to one of the 48 sheet boards it would replace and be approximately 0.6m taller in height.
6. The Location of Advertisement Hoardings Supplementary Planning Guidance (SPG) (1998) states that freestanding advertisements which are clearly separated from buildings and do not provide temporary screening for a site will not normally be acceptable unless it can be demonstrated that they would have no adverse effect on amenity.
7. The existing boards are simple poster-type displays which I note have been long established on the site². In contrast, although the contemporary-style advertisements would not contain any movement, animation or special effects, the proposed board would display internally illuminated static digital images which would change as frequently as every 10 seconds. As such, irrespective of the surrounding street-lighting, the substantial and changing images would be significantly sharper and brighter than the modest existing boards.
8. Indeed, as Stamshaw Street is a busy thoroughfare that runs through a residential area, the display would be readily seen from both directions along the A3 when travelling by foot or in a motor-vehicle, as well as by those emerging from Lower Derby Road or Derby Road.
9. Therefore, notwithstanding the minimal shielding by the wall and fence to the front of the appeal site, the proposal, by reason of its greater height, position, and illumination, would be more prominent than the existing display boards and dominate the street-scene, particularly as there are no obvious examples of illuminated boards in the very nearby area.
10. Furthermore, while the greater height of the display may or may not reduce unwanted attention by children, the irksome and flickering movements of the board, that would be particularly visible during nightfall and on darker days of the year even if dimmed to 300 candelas per square metre, would be on continuous display for up to 8 hours a day to the occupiers of the nearby dwellings, including the patrons of the 'Derby Tavern'.
11. Consequently, I find that the proposal would be an incongruous and dominant addition to the street-scene that would harm the visual amenity of the area and the amenity of the neighbouring occupiers.
12. In accordance with the Regulations, I have taken into account Policy PCS23 of the PCS which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy and the guidance contained in Paragraph 136 of the Framework which outlines that quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of, amongst other things, amenity, taking account of cumulative impacts.

² The display of 3 poster boards was permitted in 1967 under planning ref: A*26740.

Other Matters

13. The appellant has brought to my attention that there have been no objections to the proposal and that the advertisement board would reduce the need for maintenance visits to the site. In addition the appellant contends that the board could display certain types of useful public information, such as that related to the Covid pandemic and would support the local and wider economy. However, even when considered in combination, these matters do not significantly and demonstrably outweigh the harm to amenity that I have found above. Moreover, in my view, the harm to amenity could not be mitigated by a condition that would limit the use, operating hours and luminance level of the board.

Conclusions

14. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

J E JOLLY

INSPECTOR