

Appeal Decision

Site visit made on 14 December 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/J0405/Z/20/3264342

**Perrys Motor Sales, Griffin Lane Industrial Estate, Griffin Lane,
AYLESBURY, HP19 8BY**

- 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 Nick Beevis (Perrys) against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/00977/AAD, dated 16 March 2020, was refused by notice dated 29 July 2020.
 - The advertisement proposed is a single sided temporary free standing point of sale digital sign.
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Decision

1. The appeal is allowed and express consent is granted for a single sided temporary free standing point of sale digital sign at Perrys Motor Sales, AYLESBURY, HP19 8BY in accordance with the terms of the application, Ref 20/00977/AAD, dated 16 March 2020. The consent is for two years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candelas per square metre from dusk until dawn, and limited to 5000 candelas per square metre at all other times (daylight hours).
 - 2) The illuminated advertisement hereby approved shall not be in use/active between the hours of 20.30 and 07.30.
 - 3) The development hereby permitted shall be carried out in accordance with the unnumbered drawings and supporting documentation: Site Plan, Block Plan with proposed advert sign location, and I-Billboard Technical Specification.
 - 4) The screen display shall only show two dimensional static images. Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. No images shall be displayed that resemble road signs or traffic lights.
 - 5) The advertising display shall have a system in place to ensure that, in the event of a malfunction, the screen defaults to blank (black).

Main Issue

2. The main issue is the effect of the signs on the public visual amenity within the area.

Reasons

3. The proposed advertisement would be positioned on a grass bank to the side of the busy Bicester Road. The appellant has confirmed the proposal is for the advertisement to be in place for two years from the date of any approval.
4. The proposed advertisement would be seen against the backdrop of retail/commercial units where multiple advertisements are typical and so this would be not out of character. However, it would be closer to the road with residential properties opposite. The level of illumination and type of advertisement may result in disturbance to neighbouring residence of the houses opposite and therefore effect their amenity. However, as suggested by the Environmental Health Officer this can be mitigated by limiting the hours of use of the proposed advertisement to avoid unsociable hours where it is more likely that people could be disturbed by any bright light from the signage. In winter months the sign could still be displayed for some hours after sunset, but I do not consider this as unreasonable, so long as it is off between later night-time hours and there is a suitable limit to luminance levels with only static images shown (without flashing images for example).
5. With such conditions, there should be no significant adverse impact to neighbour amenities or the visual amenities of the area as a result of the proposed signage. The proposal is therefore in accordance with policies BE2 and BE3 of the Aylesbury Local Plan, with these policies relating to ensuring good design and safeguarding neighbour amenities.

Other Matters

6. I note that it would be internally illuminated and there is little information with regards to the types of images/illumination. Nonetheless, the Council and its Highways Authority do not consider that there would be any public safety concern. I have no substantive evidence to suggest otherwise, though this is a main road and appeared busy. As such, I would consider that conditions to limit the luminance levels and types of images shown are necessary to ensure public safety is maintained and to avoid distracting drivers.

Conditions

7. As well as the standard advert conditions, the consent will also be subject to a non-standard condition for limiting the illuminance levels. The limits set are partially based on the Institution of Lighting Professionals document 'The Brightness of Illuminated Advertisements', but also taking into account the residential properties opposite. There is also a limit on the hours of use of the proposed advertisement, essentially meaning it would be off overnight. I have also included conditions to limit what is shown on the advertisement in terms of avoiding 'special effects' such as flashing images and what would happen if there was a malfunction. These conditions would further prevent undue visual disturbance to neighbours whilst also having a benefit from a highway safety perspective.

8. These conditions have been agreed by both main parties prior to this Decision being issued.

Conclusion

9. For the reasons given I conclude that the appeal should succeed, subject to conditions.

Mr S Rennie

INSPECTOR