



Appeal Decision

Site visit made on 15 February 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/Q3060/Z/21/3286724

3 Db House, Rani Drive, Nottingham NG5 1RF

- 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 Ben Porte, Clear Channel UK Ltd, against the decision of Nottingham City Council.
 - The application Ref 21/01976/ADV2, dated 6 September 2021, was refused by notice dated 21 October 2021.
 - The advertisement proposed is the installation of freestanding 48-sheet D-Poster display with ancillary vertical meadow. Illumination to comply with Institute of Lighting Professionals' PLG05. Frequency of images to be no greater than once every ten seconds. No moving images, video or flashing lights to be displayed.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal site is a wide, grass verge on the B6004 Arnold Road. The locality is mainly suburban in nature but in the immediate vicinity there is a cluster of industrial units and offices, although they are mainly set back from the road behind mature trees and shrubs. The proposed digital poster would be located on the grassed verge in front of Rani Drive Business Park, a linear row of industrial units with a narrow road frontage, set back behind an area of landscaping. This planting visually connects with a grassed area immediately to the south-west and forms part of a wider vista of mature trees and planting along the roadside. Although there is street lighting on the opposite side of the road, the appeal site has no street lighting columns and I have not been made aware of any other significant forms of external illumination or large illuminated adverts in the immediate vicinity.
4. Whilst there are some adverts in the area, these are much smaller in scale than the appeal proposal and generally relate to the use of the premises on which they are sited.
5. The appeal proposal would be an internally illuminated, freestanding sign with an overall height of just under 6 metres, 6 metres in width, and mounted on support posts. It would be angled towards Arnold Road to face traffic approaching from the south-west and incorporate a panel of vertical meadow green wall beneath it. The plan entitled 'Proposed View' submitted with the

application drawings indicates that the top of the digital poster would roughly line through with the top of the brick façade of the adjoining building. The unit would display static images on rotation with changes made via a gradual and smooth fade. The level of illumination would be in accordance with the Institute of Lighting Professionals' Guidelines, with light sensors to adjust the luminance, additional controls over its brightness during hours of darkness and an overnight curfew.

6. I appreciate that the display may comply with best practice guidelines and note the additional controls proposed, but the size of the digital poster and its prominent position, set within an existing landscaped area which is not especially well lit and framed by a backdrop of trees, would result in a dominant, visually incongruous feature in the surrounding area. It would also be seen from a considerable distance away on Arnold Road, to the south-west, especially during hours of darkness. Although I note the appellant proposes restricting hours of usage overnight, the times proposed would still contain several hours of darkness at night and in the early morning, depending on the time of year.
7. The visual harm would be further compounded by the transitioning advertisements with images fading and changing, significantly drawing the eye, further accentuating its visual prominence, and compounding the harmful effect on the amenity of the area. The proposal would be isolated, unexpected and of such size and scale that it would dominate its surroundings and have a garish, overbearing presence in the area and be unrelated to its immediate setting.
8. This incongruous focal point would detract from the efforts that have clearly been made to add green, open spaces where possible and planting along the roadside corridor to create a pleasant environment despite the nearby industrial and office buildings, and busy suburban surroundings. I acknowledge that the proposal would incorporate a vertical meadow green wall below the digital poster introducing an element of interest to it, but there is already greenery beneath and behind the sign and a panel of planting is likely to further draw attention to the proposal rather than to allow it to assimilate into its surroundings or offer any significant environmental benefit.
9. Consequently, the harm to the visual amenity of the area would be contrary to Policy DE5 of the Nottingham City Local Plan Part 2 (2020) which seeks to ensure that advertisements have regard to visual amenity, taking account of scale, position, character, illumination, and design. There is also conflict with paragraph 136 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed. The development plan policies have been considered to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I conclude that the display of the advertisement would have a detrimental effect on the visual amenity of the area and the appeal is therefore dismissed.

G Bayliss

INSPECTOR