



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/N1025/Z/21/3289170

35 Nottingham Road, Ilkeston DE7 5NN

- 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 Estates Ltd against the decision of Erewash Borough Council.
 - The application Ref ERE/0921/0023, dated 24 August 2021, was refused by notice dated 4 November 2021.
 - The advertisement proposed is the upgrade of existing advert to support digital poster.
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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 proposed advertisement would replace an existing non-illuminated display hoarding sited on the gable end of a terrace of buildings. The immediate area is focussed on the junction of Nottingham Road and Havelock Street and is a mix of residential and commercial properties with a large medical centre on the north-eastern side of Nottingham Road, with a landscaped frontage. The appeal site overlooks the road junction with a small car park in front and several retail units on the southern side of the car park. On the western side of Havelock Street is a terrace of predominantly residential properties, with offices and a shop nearest to the road junction.
4. The existing display hoarding, which has been in place for several years, is prominent in the immediate area but it is particularly visible on the approach from the north-west along Nottingham Road, where it can be seen from a considerable distance away.
5. The appeal proposal is an internally illuminated digital poster of similar size and position to the existing display hoarding. The unit would display static images with instant changes no more frequently than once every ten seconds and the level of illumination would be in accordance with best practice guidance.
6. The appellant claims that the digital poster would be no more visually prominent than a traditional paper hoarding and would only ever be as bright as it would need to be, allowing it to assimilate into the streetscene.

7. In my view, the internal illumination and changing images would mean that the visual impact of the digital poster would be substantially greater than the existing hoarding. It will have an increased prominence in an area where other light sources are primarily limited to streetlights and shopfronts, and without other large advertisements.
8. Although there are illuminated advertisements nearby, these are small-scale and typically fascia signs above shopfronts, dispersed within the area. They are not comparable with the dominating size of the appeal proposal with its vivid colours and striking appearance which would be especially noticeable on dull days and during hours of darkness. I have already noted that the existing display hoarding is a dominant focal point along Nottingham Road and its digitisation would exacerbate this prominence to an unacceptable degree, as well as causing substantial visual harm to the more immediate area.
9. Whilst the level of illumination could be controlled, due to its position, size and changing displays, even low luminance settings, as suggested by the appellant, would give the proposal a greater degree of prominence as well as a garish and over-stated commercial connotation and out of keeping with its immediate setting.
10. There would be particular harm caused to the occupants of the residential properties on Havelock Street facing the appeal site. The digital poster would be clearly visible from the front windows and the brightness and changing images would detrimentally affect their amenity and outlook. Even with the suggestion that the digital image could be turned off between midnight and 5am it would not reduce the detrimental effects to occupiers which would be experienced during the suggested hours of operation.
11. I have had regard to the examples of other digital displays, but it is difficult to make any accurate assessment of how paper adverts compare to digital displays based on the printed images supplied. I have not been provided with any background in relation to these, and they are not representative of the circumstances of this appeal proposal; nor do they provide a reflection of the effect in reduced light conditions. I have decided the proposal on its own merits.
12. Consequently, the harm to visual amenity would be contrary to Policy 10 of the Erewash Core Strategy (2014) and Policy S10 of the Erewash Local Plan Saved Policies (Amended 2014) which seek to ensure that advertisements are acceptable in terms of their impact on the amenity of the locality. 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

13. I have had regard to the benefits of the proposal in terms of fewer visits to replace the posters, less printing and paper waste. However, these matters do not outweigh the harm I have identified.

14. 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