



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/21/3288745

19 Derby Road, Sandiacre, Nottingham NG10 5HW

- 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/0921/0040, dated 25 August 2021, was refused by notice dated 22 October 2021.
 - The advertisement proposed the upgrade of existing advert to support digital poster.
-

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, including the character and appearance of the Sandiacre Canal Side Conservation Area and its setting.

Reasons

3. The appeal site is the gable end of a terrace of buildings where an existing non-illuminated display hoarding would be replaced by an internally illuminated digital poster of similar size and position. The area is of mixed character, with the appeal site building and adjoining White Lion public house marking a distinct change in character between more traditional buildings to the east of Derby Road, towards the canal, and much later residential development to the west. The boundary of the Sandiacre Canal Side Conservation Area (CA) reflects this change in character, signalling the entrance to an historic area when approaching from the west.
4. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in so far as it relates to the consideration of amenity.
5. The current display hoarding is primarily viewed from the western approach along Derby Road and is seen in the context of the more traditional, historic buildings which are predominantly behind it. These are mainly two-storey buildings of domestic scale and simple linear form, and typically shops on the ground floor with residential above. The White Lion public house stands in the foreground of the appeal site gable end and its set back from the road allows

the gable end, and its existing advertisement, to be clearly viewed from a considerable distance away.

6. The appellant advises that the digital poster would be no more visually prominent than the traditional paper hoarding with the level of illumination in accordance with the Institute of Lighting Professionals' Guidelines, sensors to adjust luminance, additional controls over its brightness during hours of darkness, and an overnight curfew. The unit would display static images with instant changes no more frequently than once every 10 seconds.
7. In my view, the impact of the appeal proposal would be substantially greater than the existing hoarding. Whilst this is an urban area with shopfronts viewed in conjunction with the appeal proposal, together with streetlighting, and floodlighting to the public house, the internal illumination, vibrant colours and changing images would draw attention to this already large advertisement, making it the dominant focal point in the vicinity with a garish and over-stated commercial connotation.
8. The proposed controls to adjust levels of illumination would not allow the appeal proposal to assimilate with its immediate setting, especially on dull days and after dark when even low luminance settings would not satisfactorily address the visual harm.
9. Whilst the existing display hoarding could be viewed as an incongruous feature in the CA it is often the case that a CA includes features that have a negative or neutral effect on its character and appearance, but it is the wider characteristics of the area as a whole which combine to make it an area worthy of preservation and enhancement. The fact that the advertisement is already there does not, therefore, mean that it is not visually harmful or that alterations to it will necessarily be acceptable.
10. The Sandiacre Canal Side and Cloud Side Conservation Area Character Appraisal, adopted 2014, (the Appraisal) sets out in detail the special historic and architectural interest of the CA. This recognises that buildings on Derby Road exhibit qualities of age, and as a group justify inclusion in the CA (paragraph 4.12). I agree that although the ground floor shop units of the terrace make a neutral contribution to the character of the area, when considering the terrace as a whole, of which the appeal proposal forms part, Nos 11-19 Derby Road make a positive contribution to the character and appearance of the CA, and the appeal proposal should therefore look to preserve or enhance that character, or leave it unharmed.
11. The Appraisal also, in its analysis of key views and landmarks, identifies the view from Derby Road looking east as a key view into the CA, corroborating my initial assessment of the surroundings (paragraph 7.8). The proposal would also be visible from within the CA, from the forecourt of the White Lion. The digitisation of this hording with its vivid, changing images and over-stated presence, will therefore harm the character and appearance of the CA, and dominate this key view into the CA.
12. I have reviewed the examples of digital displays in other locations, but limited background information has been provided and they are not representative of the circumstances of this appeal site. It is also not possible to draw any conclusions from the examples showing a comparison between traditional,

paper adverts and the digital display as the printed images do not allow a realistic assessment, particularly for night-time impressions.

13. Consequently, I conclude that the proposal would cause significant harm to the visual amenity of the area, including the character and appearance of the CA and its setting. This harm would be contrary to Policy 10 and 11 of the Erewash Core Strategy (2014) and Policies S10 and EV5 of the Erewash Local Plan Saved Policies (Amended 2014). These seek to ensure that signs are designed to create an attractive environment, are acceptable in terms of their impact on the amenity of the locality, and preserves or enhances the character and appearance of Conservation Areas. 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

14. Stated benefits include fewer visits to replace the posters, less printing and paper waste, but these matters do not outweigh the harm I have identified.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the proposed advertisement would be detrimental to the visual amenity of the area, including the character and appearance of the CA, and its setting. The appeal is therefore dismissed.

G Bayliss

INSPECTOR