

Appeal Decision

Site visit made on 24th February 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th March 2022

Appeal Ref: APP/A2335/Z/21/3289980
306 Lancaster Road, Morecambe, LA4 6LY

- 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 Redtail Media Ltd against the decision of Lancaster City Council.
 - The application Ref 21/01299/ADV, dated 22 October 2021, was refused by notice dated 15 December 2021.
 - The advertisement proposed is erection of an LED digital advertising display affixed to the building. The minimum display time for each advertisement shall be 10 seconds and there shall be no moving images, animation, video or full motion images. There shall be a smooth uninterrupted transition from one image to another. Transitions shall be of not greater than one second between static images. The advertising display shall have a default mechanism to freeze to a black screen in the event of any malfunction to avoid any flashing error messages or pixilation. The advertising display will be fitted with a sensor to monitor and adjust brightness to ambient light levels in line with the following: Daylight max 4800cd/m². Dusk/Night max 150cd/m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the advertisement on visual amenity.

Reasons

3. The appeal property is a two storey end-of-terrace stone built property which faces out across a pedestrian crossing along Lancaster Road. It is located within a mixed use area, comprising residential and commercial uses.
 4. Commercial uses along this part of Lancaster Road are largely at ground floor level and are wide-ranging, including amongst other things, a pub, hair salons, an optometrist, a convenience store, a chemist, a carpet shop and a take-away. The presence of residential uses adjacent to and above commercial uses affords the area the characteristics of a pleasant and rather low-key village centre.
 5. During my site visit, I observed there to be a range of signs and advertisements in the vicinity of the appeal property and that these tend to be relatively modest in scale and directly associated with the commercial use of the property where they are located. As such, most comprise signs relating to the shops and services present in the village. There are no particularly large or prominent signs with an unduly dominant presence and none of the signs in the surrounding area appear to detract unduly from the area's residential qualities.
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6. The proposed advertisement would comprise a large LED sign located in a highly prominent position, high up on the side gable of the appeal property, facing west along Lancaster Road.
7. I find that the proposal would, as a result of its prominent siting, scale and internal illumination, draw attention to itself as an incongruous feature in an area where no other such advertisement exists. It would jar with the presence of other advertisements in the area, which tend not to be internally illuminated, or of such a scale and prominence as the advertisement proposed.
8. In addition to the above, I find that the introduction of a large internally illuminated advertisement on an otherwise blank gable wall would not only appear incongruous, but it would also result in the introduction of substantial visual clutter, whereby, at all times of night and day, the eye would be drawn to a large, unduly dominant and visually intrusive feature, out of keeping with its surroundings.
9. Taking all of the above into account, I find that the advertisement would be detrimental to visual amenity. This is contrary to the National Planning Policy Framework and to DPD¹ Policy DM21, which together amongst other things, protect visual amenity.

Other Matters

10. In support of the advertisement, the appellant draws attention to other signs elsewhere. However, there is little to lead me to conclude that the circumstances relating to these signs are so similar to those relating to the advertisement proposed as to provide for direct comparison. However, notwithstanding this, I have found above that in this case, the proposed advertisement would be detrimental to visual amenity and hence the decision below.

Conclusion

11. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ A Local Plan for Lancaster District 2011-2031. Part Two: Review of the Development Management DPD (2020).