

Appeal Decision

Site visit made on 15 March 2022 by A Coombes

Decision by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal Ref: APP/C4615/Z/22/3291567

105 Birmingham Street, Stourbridge DY8 1JG

- 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 Ben Porte (Clear Channel UK Ltd) against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/2064, dated 8 November 2021, was refused by notice dated 14 December 2021.
 - The advertisement proposed is the installation of a freestanding internally illuminated 48-sheet D-Poster display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the amenity of the area; and
 - public safety, with particular regard to highway safety.

Reasons for the Recommendation

4. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
5. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework), issued 2021, sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

6. The appeal site is a used car sales and car wash business, located on the A458, nearby Stourbridge town centre. The site is located at the end of a run of commercial properties and across the road from residential dwellings with intervening vegetation. The application seeks consent for a freestanding internally illuminated 48-sheet D-Poster display, which would be sited on the eastern extent of the site, facing eastbound traffic.

Amenity

7. The existing backdrop of the proposed advertisement is of vegetation and represents a verdant setting, which acts as to soften the commercial character of this side of Birmingham Street. Although the advertisement would not exceed the height of the canopy at the car wash, the introduction of a digital advertisement would appear incongruous in this immediate context and cause harm to the appearance of the verdant backdrop.
8. There exists a degree of advertising in the vicinity of the appeal site in the form of fascia advertising and totem advertisements, which relate primarily to the commercial properties. On the site visit some of the signage appeared to be internally illuminated and, due to the nature of the properties, would likely be illuminated at night-time. However, the proposed D-poster display would incorporate a large area of illumination that would significantly alter the appearance of the appeal site. The scale of illumination would be out of keeping with the surrounding area. Although conditions could be attached to control the level and hours of illumination, they would not negate the harm caused to the amenity of the area by such an obtrusive addition.
9. For the reasons given above, the proposed advertisement would cause harm to the amenity of the area. Though not decisive, regard has been given to Policy D12 of the Dudley Borough Development Strategy (LP), adopted 2017, which seeks to resist advertisements that are detrimental to the visual amenity and character of the surrounding area. The Council has also cited Paragraph 67 of the Framework in its reason for refusal. The reason for its inclusion is not clear as that paragraph relates to the supply of homes and is therefore not relevant to this appeal. However, the advertisement would, in any case, fail to adhere to the overarching objectives of the Framework and its aim to protect amenity.

Public Safety

10. Just beyond the appeal site is a T junction and a signalised pedestrian crossing. The road on approach from the appeal site is straight and the speed limit is 30mph. However, although there is a degree of separation between the appeal site and the junction and crossing, the proposed siting and scale of the advertisement would be unduly prominent and could distract drivers. Given the road layout, the proposed development represents a threat to highway safety that may result in an increase in traffic accidents.
11. It is acknowledged that the Council have stated that the nearby T junction has a recorded personal injury accident history over the last 5-year period and has recorded regular incidents in the last decade. The appellant has provided accident incident data and contests that the advertisement would allow sight lines to be maintained and suggested conditions to control the advertisement in the interest of highway safety. However, though given limited weight, these matters do not negate the harm that has been identified.

12. For the reasons given above, the proposed advertisement would cause harm to public safety with particular regard to highway safety. Though not decisive, regard has been given to Policy D12 of the LP, which seeks to resist advertisements that fail to maintain public safety including highway safety.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A McCormack

INSPECTOR