



Appeal Decision

Site visit made on 11 April 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/X2410/Z/22/3292783

Billboards adjacent to Harry's Tyre Shop, Nottingham Road, Loughborough

Grid Ref Easting: 454110, Grid Ref Northing: 320073

- 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 Group Limited against the decision of Charnwood Borough Council.
 - The application Ref P/21/1430/2, dated 14 June 2021, was refused by notice dated 22 December 2021.
 - The advertisement proposed is described on the application form as 'upgrade of two existing 96 sheet adverts to support digital posters'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address used in the banner heading above is taken from the appeal form which is more precise than that given on the application form.
3. Notwithstanding the description in the banner heading above, as shown on the original plans it is clear that the proposal is for the replacement of two 48 sheet hoardings with two digital displays for display of advertisement of the same size. I have assessed the scheme on that basis; the reference to 96 sheet in the application form may simply be the combined advertisement area proposed.
4. The appellant submitted an amended plan as part of the appeal. The amended plan indicates the removal of one of the proposed signs and reduced night-time brightness of the remaining sign between the hours of 23:00 and 07:00. The amended plan did not form part of the scheme that the Council made its decision upon. I am not aware that all those who should have been consulted on the proposed changes have been given the opportunity of such consultation. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. Having regard to the Wheatcroft principles¹, I consider that this appeal must be determined on the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to consultation and not the suggested amendment.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

5. In accordance with the Regulations², and the Planning Practice Guidance, I have considered solely matters of amenity and public safety. In determining the appeal, the development plan policies referred to by the Council are not determinative, but I have taken them into account as a material consideration.

Main Issue

6. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

7. The appeal site is located on the south eastern side of Nottingham Road at the frontage of Harry's Tyres and is currently occupied by two freestanding 48 sheet paper externally illuminated advertisement boards. The signs are positioned diagonally relative to Nottingham Road and are illuminated by means of trough lighting.
8. The surrounding area is characterised by two and three storey properties which are predominantly commercial in character, though there are also residential properties within close proximity, such as Villency Court, a block of apartments on the opposite side of Nottingham Road. With some exceptions, including the tyre depot and the modern apartments opposite, the immediate area is dominated by more traditional properties in red brick with slate roofs, many with shop fronts at ground level.
9. The proposal is to replace the two existing hoardings with two new internally illuminated hoardings with digital display which would display static images that would be capable of changing every ten seconds. According to the application form, the maximum illumination levels of both signs would be 600cd/sqm. The proposed advertisements are effectively the same size as those they would replace (each being 3m by 6m and set some 1.8m above ground level). The submitted plans indicate that the proposed signs would be positioned at the same height from ground level as the existing signs.
10. Although the proposed signs would of the same size and in the same position as the existing display, the proposed LED display with images changing at regular intervals would render the proposal much more prominent, particularly during the hours of darkness. Viewed against the backdrop of the traditional properties on either side of the appeal site, I consider that the proposed advertisements would be discordant and intrusive features in the street scene.
11. I acknowledge that the area is already well lit by streetlighting and that there are other signs within close proximity of the site, including to the shop fronts of adjacent properties. However, nearby signs are predominantly fascia signs which are of modest scale and are lower in height than the appeal proposal. Whilst the existing hoardings are also illuminated, the trough lighting casts light directly onto the surface of the signs, which are therefore neither as prominent or intrusive as would be the case with the proposed internal illumination. The scale and method of illumination proposed would be more eye catching than the existing signs and those on neighbouring properties.
12. In addition, occupiers of residential properties on the opposite side of Nottingham Road would have direct views towards the advertisements at close

² The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

range. Due to the size and proximity of the signs, and method of illumination and the changing images, the proposals would be highly prominent and incongruous when seen from the properties opposite.

13. There is no dispute between the main parties that the existing advertisements benefit from deemed consent³. However, I find that the appeal proposals would be much more striking features than the existing signs and would be significantly more harmful to the amenity of the area as a result.
14. I have considered the appellant's suggested conditions, including controls on the maximum luminance of the signs and frequency of changes between adverts. However, these would not sufficiently mitigate the harm that I have identified. Switching off the illumination between 22:00 and 06:00 means that the proposals would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
15. The appellant has referred to a recent appeal decision at 124 Humberstone Road, Leicester⁴, where consent was granted for the upgrade of an existing 48 sheet advert to support a digital poster. Based on the details provided by the appellant, that site falls within a commercial and industrial area and an internally illuminated advertisement already occupied the site. It is not, therefore, directly comparable to the appeal scheme and does not provide justification for allowing the appeal.
16. For the above reasons, I conclude that the proposed advertisements would have an unacceptable effect on the visual amenity of the area, contrary to paragraph 136 of the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed. In addition, the proposals would conflict with Policy CS2 of the Charnwood Local Plan: Core Strategy adopted in 2015 and saved Policy EV/1 of the Charnwood Local Plan first adopted in 2004. Amongst other things, those policies require proposals to be of high quality design which respect and enhance the character of the area.

Other Matters

17. I have had regard to the appellant's statement of case which outlines the benefits of the scheme. However, the relevant considerations under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are limited to issues of amenity and public safety.

Conclusion

18. For the above reasons, and having taken all other relevant matters into consideration, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

³ By virtue of Schedule 3, Part 1, Class 13 of the Regulations.

⁴ Appeal ref. APP/W2465/Z/20/3259764