



Appeal Decision

Site visit made on 20 April 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/N3020/Z/22/3291059

97, Nottingham Road, Daybrook NG5 6JG

- 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 Limited against the decision of Gedling Borough Council.
 - The application Ref 2021/1162, dated 20 September 2021, was refused by notice dated 26 November 2021.
 - The advertisement proposed is upgrade existing 48-sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the advertisement on the amenity of the area and on public safety.

Reasons

Amenity

3. The site currently accommodates a standard 48-sheet poster on the side elevation of the dwelling at No. 97. This is an end of terrace property at the junction of Nottingham Road with Church Drive East. There are mainly residential properties north from the site along this west side of Nottingham Road and along Church Road East.
4. On the opposite side of the junction there is a Sainsbury's supermarket. Its pedestrian entrance faces the junction and there are illuminated signs above the entrance. These comprise small box signs for Argos and Lloyds pharmacy, and the individual letters of the Sainsbury's sign.
5. On the east side of Nottingham Road, there are some residential properties south of the junction, and commercial properties to the north, but none of these businesses appear to have illuminated signs. Indeed, aside from Sainsbury's, the nearest units with illuminated signs are some distance further north, near where The Greyhound Inn is.
6. The proposed digital advert would generally only be seen from the south on Nottingham Road but, due to its large size, would be visible from a significant distance back along that road. From this direction the illuminated adverts at the Sainsbury's entrance are not readily visible. As such, despite the commercial properties nearby and the busyness of Nottingham Road, the

advert would mainly be seen as an isolated illuminated sign. In the context of the dwellings behind it, the blank east façade of Sainsbury's, and the residential and commercial properties to the east, the provision of such an isolated, large, illuminated advert would appear incongruous and would detract harmfully from the visual amenity of the area.

7. I recognise that the level of illumination could be reduced and that the illumination could be turned off completely between midnight and 5am. Whilst these measures would reduce its effect, for most of the time it would unavoidably be seen as a large and prominent illuminated advert. Also, the streetlamps along Nottingham Road are a very different form of illumination and, along with the light spill generally from within commercial units or traffic, do little to mitigate for the proposal's harmful impact.
8. The appellant has referred to three other cases where similar adverts were granted consent at appeal. The two, for which further details are provided, both relate to sites in London. In one case the Inspector found the site to be in a busy thoroughfare with much activity and so the advert would not be a significant feature within the street; in the other it was found that the advert would only be visible for a short period. As the advert in the case before me would be visible from a substantial distance and would appear as a significant feature, it is distinct from these other examples. The advert in the third case seems to relate to an advert below first floor level, so also is not comparable.
9. Though the appellant refers to economic, social and environmental benefits, these are very minor and I give them very limited weight.
10. I have had regard to the National Planning Policy Framework (the 'Framework') which in paragraph 136 states that the character of places can suffer when adverts are poorly sited and designed. As the advert, by virtue of its illuminated design, would harm visual amenity, and hence the character of the area, it would conflict with the Framework.

Public safety

11. When drivers are approaching the site from the south, the advert could, from some positions, appear to be behind the lights at the pedestrian crossing. However, as it would be visible from a considerable distance back along Nottingham Road, drivers would be able to see and absorb the advert well before reaching the crossing. Also, when closer to the crossing, I consider drivers would be more focussed on changing lights at the crossing than changing images on the advert some distance behind. As such, the advert would not be overly distracting to drivers and hence would not be a risk to public safety. In this respect the advert would not conflict with the Framework.

Conclusion

12. Although the advert would not impact harmfully on public safety it would harm amenity. Therefore, for the reasons given above, and having had regard to all other considerations, the appeal is dismissed.

Andrew Owen

INSPECTOR