



Appeal Decision

Site visit made on 11 May 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022

Appeal Ref: APP/C1055/Z/21/3289609

2 Alfreton Road, Derby DE21 4AA

- 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 Alight Media against the decision of Derby City Council.
 - The application Ref 21/01815/ADV, dated 19 October 2021, was refused by notice dated 16 December 2021.
 - The advertisement proposed is described as: Replacement of an existing illuminated advertisement display with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the Council, on its Decision Notice, described the proposal in fewer words than used on the application form, I have not been provided with any evidence that the appellant agreed to such a change. The appellant provides a more detailed description on the appeal form (as requested by the form) than that provided on the application form. Although these additional details inform my understanding, they do not constitute an altered description. As the description provided on the application form is factually correct, I have no reason to change it. I have made my decision on this basis.
3. Paragraph 136 of the National Planning Policy Framework (the Framework) advises that there is a separate consent process to control the display of advertisements¹. The Framework, the Regulations, and the Planning Practice Guidance (PPG) all make it clear that advertisements are controlled with reference only to their effect on "*amenity*" and "*public safety*"². The Regulations also advise that "*factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest...*"³. The provisions of the development plan, and any other relevant factors, can be considered, so far as they are material⁴. I have assessed the proposal accordingly.

¹ They are regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations)

² Paragraph 136 of the Framework; Paragraph: 001 Reference ID: 18b-001-20140306 Revision date 06 03 2014 of the PPG, and section 3(1) of the Regulations

³ Section 3(2)(a) of the Regulations

⁴ Section 3(1)(a) and (b) of the Regulations

Main Issue

4. Considering the above, the evidence submitted, and the statutory duty I have with regard to Conservation Areas⁵, the main issue is the effect of the proposal on "amenity", including whether the proposal preserves or enhances the character or appearance of the Little Chester Conservation Area (LCCA) and taking account of the presence of the Grade II Listed Building (LB), namely Alfreton Road Bridge.

Reasons

5. At the outset, I wish to clarify certain matters regarding the site, and the 3 advertisement panels referred to in submissions. First, as the site is confined to the area edged red on the submitted plans, the fence around part of the boundary of number 2 Alfreton Road, and the existing 16-sheet panel, are not within the appeal site. Additionally, the erection of a fence around the boundary of No. 2 does not fall within the scope of the advertisement Regulations. Second, the appellant contends that the 48-sheet panel that is present on the appeal site benefits from consent in accordance with Class 13 of the Regulations. The Council Officer's Report also suggests this is the case, and I have no justifiable grounds to disagree. Third, as the other 48-sheet panel referred to has been removed, the erection of any building or structure to continue to display an advert as was, is now not permitted⁶. Fourth, given that the 16-sheet panel is now disused, and posters for such panels have apparently not been manufactured for some years⁷, it is possible that this panel no longer benefits from consent *vis a vis* Class 13 of the Regulations⁸. I have made my decision taking account of these factors.
6. The site is located on the south-western corner of the boundary of No. 2 Alfreton Road, on the corner of Alfreton Road and Mansfield Road which, along with Old Chester Road, form a crossroad/roundabout junction at this location. The properties immediately around and off the roundabout comprise of a mix of residential and commercial uses. Thus, there is a public house on one corner, a local convenience store on another and residential properties on the remaining corner. The land use of properties/sites along around the first 150 m of each of the roads leading off the roundabout is mainly residential, with a small number of commercial and community uses mixed in among the residential sites, including a relatively large tools/plant/equipment hire centre around 25 m east of the site.
7. The older residential properties are mainly traditional, modest sized two-storey terraced dwellings. The dwellings constructed more recently are also terraced, but with three floor levels. The public house is a detached, two-storey building. As alluded to above, the site is located within the LCCA, and the Grade II listed Alfreton Road Bridge is located around 170 m east of the site. The site is within the buffer zone of the Derwent Valley Mills World Heritage Site (WHS).
8. Each of the commercial sites within proximity of the appeal site display advertisements, comprised of a mix of fascia signs, posters and signage

⁵ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

⁶ Class 13, section 13(2) of the Regulations

⁷ As stated in the appellant's Grounds of Appeal

⁸ Class 13 applies to advertisements that have been displayed on a site used continually for the preceding 10 years without express consent. The evidence suggests that advertisements have not been displayed on the panel in recent times, and therefore, logically, not continually for the preceding 10 years

attached to up-right posts. Few are illuminated. Except for the fascia sign above the convenience store, which is larger in size/scale than the others on the neighbouring commercial sites, the adverts are relatively small and proportionate in scale to their context. Some street furniture exists within proximity of the site, such as streetlamps, telegraph poles, road signs and bollards.

9. I consider the proposed 48-sheet digitised panel, measuring around 6 m wide x 3 m high, with the underside to be positioned around 2 m above ground level, would be a very large advertisement panel that would be out of scale with its immediate surroundings, as described above. It would be sited in a very prominent position fronting the roundabout; highly visible when travelling north towards the roundabout along Mansfield Road and when travelling east along the eastern end of Old Chester Road; the rear of the display unit would also be visible from Vivian Street and the western end of Mansfield Road when approaching the roundabout from the east.
10. Not only would the proposal dominate all other advertisement signage within its proximity, but it would also be the dominant feature on the crossroad/roundabout junction and therefore within the street scene corner. The black, pressed metal and reinforced plastic frame and cladding on the rear, along with the digitised, illuminated display screen, would be an incongruous feature within the street scene. It would be akin to a having a very large television sited on the border of a residential garden, close to other residential properties and a small number of mainly small-scale commercial units. As such, I consider the proposal would have a significant, detrimental impact on the amenity/character and appearance of the area.
11. The appellant challenges the Council's conclusion that the proposal would increase the visual prominence of an advertising display, suggesting that the proposal would result in a decrease in prominence, compared to 3 separate panels. However, a reduction in the number of advertisement panels within the plot of No. 2 is a different consideration to the prominence of the existing 48-sheet illuminated poster panel compared to the prominence of the proposed digitised screen. I consider the digitised screen would have more prominence than the existing illuminated poster panel.
12. Regarding the number of existing advertisement panels within the plot of No. 2, as outlined above, one of the 3 panels referred to has already been removed, and therefore I attach no weight to it in support of the proposal. I have questioned whether the 16-sheet non-illuminated panel continues to have consent. However, even if it does, and if it were possible to secure its removal as a condition of granting consent for the proposal, I consider the removal of the 16-sheet poster panel and replacement of the 48-sheet poster panel with the digitised display, would not result in the plot of No. 2 displaying advertisements that would be less prominent than the existing display. Yes, there would be one fewer panel within the site of No. 2. However, as I consider the large, modern, digitised display unit and its contemporary materials would be out of keeping with the traditional surroundings, I also consider that the proposal would therefore be more prominent than both existing panels.
13. The appellant suggests that new fence panels would improve the appearance of the plot of No. 2. Again, even if I was able to secure the erection of a replacement fence via a condition attached to the granting of consent for the

proposal, the fence shown on the submitted plans, ie 'proposed south-west elevation', would not be materially different to the existing fence. Once any new fence panels weathered, its appearance would not be much different to its current appearance.

14. The appellant considers the presence of the existing panels within the plot of No. 2 are part of the history and character and appearance of the area, and therefore weigh in favour of the proposal. I accept that the existing panels are features that form part of the existing amenity of the area, and therefore need to be considered. However, regardless of how long advertisements have been displayed within the plot of No. 2, I consider them to have a detrimental impact on the amenity of the area. Moreover, I consider the proposed display would harm the appearance of the area to a greater extent than the existing panels.
15. As noted, the site is located within the LCCA. Although a detailed character appraisal has not been submitted, I have been provided with a copy of a document entitled 'Derby Conservation Areas: Little Chester', which provides a summary of the LCCA. I was also able to observe the area during my visit to the site. The document advises that the area was designated in recognition of its historic character and townscape value, a description which sums up the significance of the LCCA within a few words.
16. The origins of Little Chester can be traced back to the Roman occupation. There are remains of a Roman Bath House and stone walls within the LCCA, though these are located some distance from the site. The townscape includes the layout of the area, the street pattern, and the location and arrangement of buildings and open spaces. The buildings include designated buildings of historic and/or architectural interest, and all the other properties that relate to the historical development of the area. The site lies within an area that includes housing development north of Chester Green Road and east of Mansfield Road dating back to the mid-1880s. Many of the traditional terraced properties in the area retain original architectural features and materials.
17. The factors outlined above all contribute to the significance of the LCCA. I consider the large display unit, out of scale with its surroundings, constructed of contemporary materials with a modern technological display format, would be very much out of keeping with the traditional properties surrounding the site. As such the proposal would be harmful to the character and appearance of the LCCA, and consequently would not preserve or enhance it.
18. As stated in the listing details, the Grade II listed Alfreton Road Bridge is a three-span skew overbridge that derives its significance broadly from its historical, architectural, and engineering interests and aesthetic quality. It is an example of a railway structure dating from the pioneering phase in national railway development. Although the appeal site may be deemed to lie within the wider setting of the bridge, I consider its heritage significance is not experienced and appreciated from the wider setting where the site is located. As such, I conclude that the proposal would not harm the setting of the LB.
19. The appellant suggests that there are economic and environmental advantages/benefits to the digital display technology that weigh in favour of the proposal. Although I acknowledge this, as noted above, the assessment of proposals for advertisement consent is based on the advertisement Regulations and confined only to interests of amenity and public safety. As the economic

and environmental benefits the appellant refers to are not material to matters of amenity or public safety they cannot be taken into consideration.

Other Matters

20. The Council Officer Report notes that the site lies within the designated buffer zone of the WHS. I have not been provided with any details of its outstanding universal value. However, my knowledge and understanding are that the WHS was designated in recognition of the valley's contribution to the birth of the factory system. The Council has not raised any concerns about the impact of the proposal on the WHS, and I am not aware that any part that is within range of the site would be harmed by the proposal.

Conclusion

21. Notwithstanding my conclusion regarding the effect of the proposal on the Grade II LB, I have found that the proposal would significantly harm the character and appearance (amenity) of the area and it would not preserve or enhance the character or appearance of the LCCA. Therefore, for the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR