

# Appeal Decision

Site visit made on 14 July 2022

**by Andrew Dale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17TH August 2022**

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**Appeal Ref. APP/G2625/Z/22/3299843**  
**212 Sprowston Road, Norwich NR3 4JA**

- 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 Norwich City Council.
  - The application ref. 22/00226/A, dated 17 February 2022, was refused by notice dated 14 April 2022.
  - The advertisement proposed is "Upgrade of existing 48 sheet advert to support digital poster".
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## Decision

1. The appeal is allowed and express consent is granted for the display of "Upgrade of existing 48 sheet advert to support digital poster" as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following additional conditions:

- 1) The advertisement display shall be subject to a curfew to the extent that it shall be turned off and shall not be operational between the hours of 00:00 and 06:00 on any day. The maximum luminance of the advertisements to be displayed on the panel shall not exceed 100 candelas per square metre during all hours of darkness that would fall within the permitted operational hours.

- 2) The individual advertisements shall be static and contain no apparent moving images, animation, intermittent or full motion video images or audio output.

- 3) The minimum display time for any advertisements shall be 10 seconds and the change between advertisements shall be instantaneous with no fading, swiping or merging of images.

## Procedural matter

2. The appellant's statement lists a number of environmental, social and economic benefits of the proposed advertisement. However, under the above Regulations powers to control advertisements are to be exercised only 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. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

## **Main issue**

3. The Council did not refuse the application on the grounds of public safety. Based on my observations and the evidence before me, I see no reason to disagree. The main issue is therefore the effect of the proposed advertisement display upon the visual amenity of the site and its surroundings.

## **Reasons**

4. The appeal site is not within any designated heritage area. The surroundings are not characterized by the presence of any nationally listed buildings.
5. The proposed advertisement display would be fixed to the gable end of 212 Sprowston Road, which is a 2-storey terraced house standing next to the junction with Tillett Road East. The gable end faces onto Tillett Road East and currently contains a paper and paste non-illuminated billboard advertisement. This would be replaced by the proposed digital poster which would be virtually identical in terms of size, scale and positioning to the current display.
6. Whilst the Council does not have any record of consent being granted for the existing static advertisement, it was put to the Council that the display in its current form had been supported on the site since at least 2008. The Council did not challenge that information and there is no record of the Council having served a discontinuance notice in relation to the existing sign. In all likelihood the existing sign now benefits from deemed consent under the Regulations and could therefore remain. I give this factor substantial weight in my decision.
7. Sprowston Road is part of one of the main A-class roads leading into and out of the city. The neighbourhood is resolutely urban in character. It contains a mix of residential properties, commercial premises and a large church. The full face of the digital poster would be noticeable from various public vantage points along Sprowston Road when approaching along it from the north-east. However, in these views the display would be seen to be at the end of a significant row of commercial outlets with a wide variety of signage, including a car dealership and repair garage with a forecourt canopy, a tall sign and flag adverts, a fashion outlet, a solid fuel merchants, a furniture and flooring showroom with a large sign on a boundary wall, 2 hot food takeaways and an upright forecourt box used for general advertising.
8. The existing large poster-hoarding is fairly unobtrusive in this setting, but is somewhat tired in appearance. Indeed, I saw that the framework is showing signs of wear and some of the paper images have worked loose and are hanging down. Its replacement with a contemporary digital display has the potential to improve the appearance of the sign and make a positive contribution to the street scenes, whether viewing along Sprowston Road or Tillett Road East, a residential street. I saw no reason to find that the scheme would harm the setting of St George's Catholic Church, which is a locally listed building of great size and scale standing on higher ground on the opposite side of Sprowston Road. The display would not be visually linked with any other similar digital display. Moreover, it would not become part of a critical mass of advertisements that results in harmful visual clutter.
9. The brightness and illumination of the sign would be controlled by an ambient light sensor system to recognised industry standards and the rotational nature of the advertisements to be displayed would be well measured. Even though it would be brighter and more noticeable than the existing sign, a digital sign

would not be unexpected along a main road in a reasonably well-lit urban area such as this.

10. Even so, I share the concerns raised by the Council about the close proximity of nearby residential properties, particularly those at nos 1-3 Tillett Road East which have front elevations facing the towards the sign. The regularly changing light emitted from the digital poster has the potential to be intrusive to the occupiers of those properties, particularly at night-time, after other businesses have closed, passing traffic is far lighter and the general light levels within the area are lower. The appellant is clearly aware of this concern although the suggested response is expressed slightly differently across the various documents before me. I have paid most attention to the email of 12 April 2022 since it was submitted during the processing of the application, wherein a maximum luminance of 100 candelas per square metre at night-time was suggested. To further protect the amenity of those dwellings, it was also proposed that a curfew be put in place between the hours of 00:00 and 06:00. In this context, I have taken the word "curfew" to mean that the unit would be switched off during the specified hours. These arrangements seem to me to be appropriate in terms of protecting residential amenity and could be the subject of a planning condition. Anything less would have led to a refusal of consent.
11. This appeal has been dealt with on its merits and in the particular circumstances of the subject site, which is unlikely to be identical to any other site. For these reasons, the appeal decision in Bradford (appeal ref. 3260063 at Appendix 5 of the appellant's statement) has not been a significant material factor in the decision I have reached, even though the proposal there was for a digital poster board to be positioned on a gable end.
12. I find on the main issue that the proposed advertisement display would not harm the visual amenity of the site and its surroundings. Although not decisive in themselves, in accordance with the Regulations I have taken into account the relevant policies of the development plan. The scheme would meet the design criteria within Policy DM3 of the Norwich Development Management Policies Local Plan and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and would not go against the advice given in paragraphs 130 and 136 of the Framework.

### **Conditions**

13. The Council has suggested in its questionnaire that other than the 5 standard conditions, 5 additional conditions should be imposed in the event of the appeal succeeding. I have also had regard to the similar conditions suggested by the Highway Authority and to the appellant's suggestions as set out in paragraph 10 above. The 3 additional conditions I have imposed in the interests of amenity and public safety cover all the inputs from those aforementioned parties as appropriate.

### **Conclusion**

14. Having regard to all other matters raised in the written material before me, I have reached the conclusion that the appeal should be allowed.

*Andrew Dale*

INSPECTOR