



Appeal Decision

Site visit made on 9 August 2022 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

Appeal Ref: APP/W0734/Z/22/3301139

Land at Goals Teesside, 66-68 Stockton Road, Middlesbrough TS5 4AF

- 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 Clear Channel against the decision of Middlesbrough Council.
 - The application Ref 22/0220/ADV, dated 30 March 2022, was refused by notice dated 10 June 2022.
 - The advertisement proposed is a pair of illuminated 48-sheet digital poster displays.
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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.

Procedural Matter

3. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons for the Recommendation

5. The immediate area is dominated by the elevated A19 road bridge with a mix of commercial and educational uses, with residential properties beyond. The area on the opposite side of Stockton Road is vegetated beyond which are railway lines.
6. There is an existing pair of panel signage on the other side of the access, outside of the boundary fence, although these are significantly smaller than the appeal proposal. There are also non-illuminated 48-sheet advertisement hoardings on the other side of Stockton Road which are set against an

- appropriate backdrop as a result of the trees and other vegetation. As such, illuminated advertisements are not an established feature and not part of the character of the area.
7. The proposed illuminated poster displays would be located within the car park of Goals Soccer Centre on one side of the gated access. They would be positioned 2.5 metres above ground level, with the top of the advertisements being around 5.5 metres high.
 8. Whilst I agree that the size of the illuminated advertisements is consistent with the existing hoardings, as they are broadly the same size, the appeal signage would be set off the ground and would therefore be higher and much more prominent in the streetscene. In contrast to the existing large advertisements, the backdrop to the proposal would be an open car park, beyond which there are the Goals building and the A19 road overbridge with very little landscape backdrop to soften the visual appearance of the proposal. I am also conscious that the advertisements would be visible from a much greater distance away from them than the existing hoardings.
 9. With the above factors in mind, the proposal would stand out as being visually intrusive to the extent that they would be overly prominent and would detract from the amenity of the area.
 10. This harm is exacerbated by the illuminated nature of the digital displays which would increase the prominence of the advertisements. This is particularly the case as the illumination would draw the eye to a much greater degree, and it would have a much more overtly commercial feel. This would appear incongruous in the context of the mixed-use area, which is devoid of digital advertisement displays, particularly on large billboards. The sequential format, with changing images every 10 seconds or so, would make it more prominent and accentuate its impact on the street scene.
 11. In coming to the above view, I acknowledge that the area may be well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements¹. However, the illumination would be particularly prominent during the hours of darkness despite the night-time illumination not exceeding 300 candela per square metre. Whilst the operational curfew between the hours of 23:00 and 05:00 hours each night would help to reduce this harm, it would not totally overcome it.
 12. Consequently, I find that the proposal would have a harmful effect on the visual amenity of the area and the suggested conditions put forward by the appellant would not overcome this harm.
 13. For the above reasons the digital poster displays would harm the amenity of the area. They would also be inconsistent with the objectives of the Framework and Middlesbrough's Local Development Framework: Core Strategy 2008, Policy DC1 in relation to development, and CS5 of in relation to design considerations.

¹ PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Forrett

INSPECTOR