
Appeal Decision

Site visit made on 23 August 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/Q3060/Z/22/3300596

**Advertising Right Corner Incinerator Road, Cattle Market Road,
Nottingham NG2 3GY**

- 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 Nottingham City Council.
 - The application Ref 22/00507/ADV2(PP-11080098), dated 28 February 2022, was refused by notice dated 14 April 2022.
 - The advertisement proposed is the upgrade of existing display to support a digital 'D-Poster' advertisement.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area including the setting of a Listed Building.

Reasons

3. The proposed advertisement would replace an existing non-illuminated display hoarding located at the southern end of Incinerator Road facing the junction with Cattle Market Road and County Road. The immediate surroundings are industrial and commercial of mixed character, with buildings generally of a low height, and some areas of disused land. Notts County football ground is located across County Road.
4. Immediately to the south of the existing display hoarding is a set of gates and gate piers to the cattle market, which is a Grade II Listed Building (Listed in 1988). I have had special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses in accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in so far as it relates to the consideration of amenity.
5. The National Planning Policy Framework 2021 (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight

- should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
6. The setting of a heritage asset is not a fixed concept. Annex 2: Glossary of the Framework confirms that an asset's setting is the surroundings in which it is experienced. It also advises that elements of a setting may make a positive, or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
 7. The Listed gates and gate piers are extremely decorative with elaborate gate piers embellished with the city coat of arms and bulls' heads. This gateway is very much a focal point at this road junction and is prominent in more distant views along Cattle Market Road to the west. Although the visual amenity of the immediate area is generally poor, the historic qualities of the gates and piers represents an important heritage asset within the area, and the close and more distant views of them contribute to their significance.
 8. The existing non-illuminated display hoarding has been in place for a considerable number of years and there is a variety of other signage in the surrounding area, including signs attached to the Listed gates and railings. However, the existing display hoarding is one of the larger signs in the immediate area, made more prominent by its elevated position. I have also noted an existing digital display panel to the west of the site at the junction of Cattle Market Road and Iremonger Road, other advert hoardings along County Road to the south east, and noted also the proximity of streetlighting.
 9. The replacement digital display panel would be of the same size as the existing hoarding, but the height of the supporting structure would be increased, raising the overall height of the panel. It would display static images but capable of instant changes no more frequently than once every ten seconds. The installation would be in line with industry standards and its level of illumination would be in accordance with the Institute of Lighting Professionals' Guidelines. Sensors would reflect ambient light conditions and would set maximum luminance levels during darkness.
 10. Whilst the digital display would be designed to mimic the appearance of a traditional paper display, the appeal proposal would have a more eye-catching presence in the wider street-scene. The illumination, the sharper clarity of the images, the image changes and the sign's high, open position would draw considerably more attention to it. Despite being the same size as the existing hoarding, the digital display would have a substantially greater impact and become a dominant focal point to a much greater extent than the existing non-illuminated display hoarding. As a result, it would unduly draw the eye away from views of the Listed Building and visually overpower it.
 11. The digital display would be readily seen within its immediate environment, from many angles, and in close visual association with the Listed Building. In the more distant view along Cattle Market Road, the sign would detract from and overwhelm views of the Listed Building.
 12. Whilst I recognise that the immediate setting of the Listed Building is visually generally quite poor, and that it is designated because of its historic nature, I have found that its setting contributes to that significance. The proposed display panel will noticeably change the environment in which the Listed gates

and gate piers are situated, and in such close proximity to them, that impact will be harmful.

13. The proposed controls to adjust levels of illumination and other suggested operational conditions would not allow the appeal proposal to assimilate with its immediate surroundings, especially on dull days and after dark when even low luminance settings would not sufficiently temper its prominence. Despite the presence of streetlighting, the appeal proposal would still result in significant visual harm compared to the current sign which is non-illuminated. Even the suggestion to retain the sign at the current height, to reduce a lower maximum luminance level during night-time hours and to turn the unit off in the middle of the night would not mitigate the visual impact of the proposal in relation to the Listed Building alongside.
14. I have noted the examples showing the visual differences between a paper and a digital hoarding. However, it is not possible to reach a view on these as printed examples cannot demonstrate a true representation of the digital sign alongside the traditional paper hoarding, particularly for night-time impressions. I recognise also that there may be benefits to digital signs in terms of needing less visits for maintenance. However, this matter does not outweigh the harm that I have identified.
15. The appeal proposal would result in undue additional prominence to the display hoarding to the detriment of the setting of the adjacent Listed Building, thereby harming its significance. Consequently, it would have a harmful effect on the visual amenity of the area including the setting of a Listed Building. This harm would be contrary to Policies DE5 and HE1 of the Nottingham City (Land and Planning Policies) Development Plan Document, Local Plan Part 2 (2020). These seek to ensure that signs have an acceptable impact on the visual amenity of the locality and conserve the setting of Listed Buildings. There is also conflict with the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed. The development plan policies have been considered to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the proposed advertisement would have an adverse effect on the visual amenity of the area, including the setting of a Listed Building and therefore the appeal is dismissed.

G Bayliss

INSPECTOR