



Appeal Decision

Site visit made on 7 March 2022 by B Phillips BSc MSc MRTPI

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/U4610/Z/22/3291028

32 Lower Holyhead Road, Coventry CV1 3AU

- 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 UK Ltd against the decision of Coventry City Council.
 - The application Ref ADV/2021/3275, dated 2 November 2021 was refused by notice dated 15 December 2021.
 - The development proposed is described as the installation of internally illuminated 48-sheet D-Poster display.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 29 March 2022.

Decision

1. The appeal is allowed and express consent is granted for the installation of an internally illuminated 48-sheet D-Poster display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The digital advertising display units permitted by this consent shall display static images only and not animated, scrolling, intermittent or flashing images, or directions to drivers at any time. The rate of change between successive images shall be no greater than 1 second with no swiping or other animated transition methods between successive images. The display time for each image shall be no less than 10 seconds.
 - 2) During periods of darkness the intensity of the illumination of the digital advertising display units permitted by this consent shall be no greater than 300 cd/m².
 - 3) The advertisement display shall be operational only between the hours of 05:00 and 23:00 and will be turned off outside of those hours.

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.

Preliminary Matters

3. I have taken the above description from the Council's Notice of Decision in the interests of clarity.

Main Issue

4. The main issue is the effect of the proposed advertisement on the visual amenity of the area. It is also necessary to consider the question of public safety.

Reasons for the Recommendation

5. Whilst amenity is not defined exhaustively within the Regulations, they do indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The national Planning Practice Guidance (PPG) states that, in assessing amenity, the local planning authority should always consider the local characteristics of the neighbourhood.
6. The proposed sign would be sited on the gable of No 32 Lower Holyhead Road, which is the end property of a three-storey residential terrace. The short, mostly residential street runs from the elevated Holyhead Road junction and the Ringway Hill dual carriageway, towards the centre of the City. To the rear of the appeal property is a multi-storey student accommodation building.
7. The appeal building is sited on the boundary of, but within, the Spon Street Conservation Area (CA). No information is given regarding the designation of the CA, however, it is evident that it relates to the historic and architectural quality of the structures along nearby Spon Street and around St John the Baptist Church to the south west. The appeal building and the terrace make a positive contribute to the CA through the consistent traditional detailing and proportions of the frontage.
8. Opposite the terrace is No 13-29 Lower Holyhead Road, a row of early 19th century three storey buildings, which are Grade II listed, due to their historic use in the weaving and watchmaking industries and with respect to their architectural quality.
9. The large gable elevation of the appeal property is mostly of brick and devoid of any notable architectural features, save for two small windows. The scale of the advertisement is appropriate in this context.
10. Given its location, the proposed advertisement would not be visible from within the CA itself and would not impact the frontage of the terrace but would be visible from the Holyhead Road junction and the Ringway Hill dual carriageway. However, there are no footpaths along the highway and therefore any views of the CA from the highway would be confined to brief glimpses by road users.
11. There is a pedestrian bridge crossing over the road to the north. However, the CA is not readily visible from the bridge, save for the end gables of some buildings. Any views in the direction of the CA from the other side of the highway and junction is compromised and dominated by the road itself and the taller modern buildings visible on the skyline. The special qualities of the CA are not evident in views from this direction.

12. In the evening the sign, when illuminated, would be seen in the context of the light from the surrounding residential properties, including the student accommodation block immediately to the rear, in addition to streetlights and the passing traffic. The appellant has confirmed that the sign would be switched off at night (between 23:00 and 05:00). Given that this area is likely to be darker at that time, with less light from traffic and surrounding commercial uses, this would help to safeguard the night-time character of the area.
13. There is a footpath directly next to the end gable, connecting Lower Holyhead Road and the pedestrian bridge. However, given its proximity, there is no view that would include both the sign and the CA.
14. There is no particular vantage point, therefore, that offers views of the CA from which the proposed sign would detract. The advertisement would be seen solely in the context of the highway and junction and not that of the Lower Holyhead Road below or the CA. Neither would it be visible from Nos 13-29 Lower Holyhead Road. Therefore, the advertisement would not be intrusive and would have a neutral effect on the setting the CA. I am satisfied that the signage would not harm, and would thus preserve, the setting of the CA as a designated heritage asset.
15. Accordingly, I conclude that the proposed digital display would not be unacceptably prominent or visually intrusive in this street scene. Consequently, the proposed advertisement would not result in harm to the visual amenity of the area.
16. With respect to public safety, neither the Council nor any third party raises any objection. The appellants themselves suggest conditions requiring only static, not animated images without scrolling, intermittent or flashing displays, or directions to drivers and limiting the rate of change between successive images. I consider that these stipulations would avoid undue distraction to drivers on the public highway. Overall, I am satisfied that the proposed sign would not harm public safety.
17. Policies DE1 and HE2 of the Local Plan (2017) are referred to by the Council. However, these relate to development and development proposals, rather than advertisements and are not relevant in this instance. This is also the case regarding Policy CC2 of the Coventry City Area Action Plan (2017).

Conditions

18. In addition to the five standard advertising conditions, I attach further conditions restricting the luminance levels of the display, preventing the use of moving images and specifying the frequency and nature of image changes.
19. A condition restricting the hours of operation is necessary, in order to prevent undue prominence at night.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to those conditions.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions set out above.

B J Sims

INSPECTOR