



Appeal Decision

Site visit made on 1 August 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/X2410/Z/22/3292639

3 Ratcliffe Road, Loughborough LE11 1LF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
- The appeal is made by Wildstone Group Limited against the decision of Charnwood Borough Council.
- The application Ref P/21/1073/2, dated 4 May 2021, was refused by notice dated 20 December 2021.
- The advertisement proposed is the upgrade of an existing 48 sheet advert to support a digital poster.

Decision

1. The appeal is allowed and express consent is granted for the upgrade of an existing 48 sheet advert to support a digital poster 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) All advertisements displayed shall consist of static images only and shall not contain any moving images, animations or flashing lights.
 - 2) The advertisement display shall not change more than once every 10 seconds.
 - 3) The interval between successive displays shall be instantaneous (0.1 seconds or less) and the display will include a mechanism to freeze the image in the event of a malfunction.
 - 4) The intensity of the illumination of the advertisement display permitted by this consent shall not exceed 600 cds per sqm during the hours of daylight.
 - 5) During the hours of darkness, the intensity of the illumination of the advertisement display permitted by this consent shall not exceed 100 cds per sqm.

Preliminary matters

2. The appellant stated in the cover letter to the application that the advert has been in place for over ten years and so has deemed consent under Schedule 3, Part 1, Class 13 of the Regulations. This position has not been challenged by the Council. As a result, I have therefore dealt with the appeal on the basis that the existing sign has deemed consent.
3. The appellant submitted fresh evidence at appeal stage in the form of appeal decisions and a 'D-Poster Testing & Site Report'. As the procedure adopted for the appeal did not give the Council the opportunity to comment on this evidence, I

invited the Council to do so under the relevant Regulations¹. No comments were received and I have determined the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the visual amenity of the area.

Reasons

5. Paragraph 136 of the National Planning Policy Framework ('the Framework') recognises that the quality and character of places can suffer when advertisements are poorly sited and designed.
6. The existing advert is located in an urban residential area characterised by modest two storey terraced houses with occasional shops on street corners. The current non illuminated 48 sheet advert (6m x 3m) sits comfortably within the large blank expanse of the side elevation of the end terraced house, 3 Ratcliffe Road, at an elevated height of 2.5m above ground level. Owing to its location facing a four-way traffic light controlled junction it is highly visible.
7. The proposed digital poster would be located in the same position as the advert that it would replace and would be of the same dimensions. By virtue of its internal illumination the proposed digital poster sign would be more visible than the existing hoarding. However, the level of illuminance could be controlled by condition during daylight and night time hours. This would ensure that the proposed display, whether in public or private views from the facing houses across the junction on Meadow Lane, would not be unduly detrimental to the street scene or conspicuous. The prevention of moving images and requiring instantaneous changes of display would also be helpful in this regard.
8. Taking all these matters into account, I therefore conclude that the proposal would not have a harmful effect on the visual amenity of the area.
9. I have taken into account policy CS2 of the Charnwood Local Plan Core Strategy and saved policy EV/1 of the Borough of Charnwood Local Plan. As these policies seek to protect the character and appearance of an area, they are material in this case. Given that I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with these policies or paragraph 136 of the Framework.

Conditions

10. For the reasons given above, the appeal should therefore be allowed. In addition to the five standard conditions, in the interests of public safety, only static images should be displayed for a minimum time period with the transitions between images being instantaneous. For reasons of visual amenity and highway safety, the intensity of illumination during daylight and night time hours also needs to be restricted.
11. In relation to night time the appellant has suggested that illumination could be limited to 100 cd per sqm with a curfew on the display between 23:00 hours and 07:00 hours. In my judgement though, at the level of 100 cd per sqm illumination proposed, such a curfew would be unnecessary. I have therefore not required this by condition.

¹ Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

Ian Radcliffe

Inspector