



Appeal Decision

Site visit made on 29 September 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17TH October 2022

Appeal Ref: APP/W3710/Z/22/3302289

86 Queens Road, Nuneaton Warwickshire CV11 5LE

- 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 Nuneaton and Bedworth Borough Council.
 - The application Ref: 038741, dated 11 March 2022, was refused by notice dated 13 May 2022.
 - The advertisement proposed is erection of digital D-poster advertisement.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that there is a separate consent process to control the display of advertisements. The Framework, the Regulations as identified in the banner heading, and the Planning Practice Guidance (PPG) all make it clear that advertisements are controlled with reference only to their effect on "amenity" and "public safety". Other relevant factors, including the development plan, are considered to the extent they are material. I have assessed the proposal in accordance with the Regulations.

Main Issue

3. The Council do not suggest that the advertisement would harm amenity, consequently the main issue is whether the proposed sign would have an unacceptable impact on highway safety and, therefore, upon public safety.

Reasons

4. The proposed sign would be prominently located on an east-facing gable wall of the host property facing westbound traffic on Queens Road. The proposed location fronts a widened pavement area outside a small parade of shops on Queens Road. Queens Road is a busy single carriageway road leading directly from the A444 and subject to a 20 mph speed limit in the vicinity of the appeal site which also includes a crossroad junction with High Street and Edward Road ('the junction'). At this point the Queens Road incorporates lay-bys for buses (in both directions), and what appears to be a central pedestrian refuge close to, and on the west side of, that junction. A textured surface to the central part of the carriageway between the retail uses and bus stop and

drop-off layby on either side of Queens Road east of the junction is seemingly intended to separate the opposing lines of vehicles at the centre of the carriageway. This appeared to have the, possibly unintended, consequence of facilitating the spontaneous and potentially hazardous two-stage crossing of the road from pavement to pavement by pedestrians. Overall the location of the proposed advertisement presents a number of hazards for the user to negotiate.

5. It is apparent that there have been attempts to manage the positioning of vehicles in the highway in the locality of the junctions with road markings and kerbed lay-bys, however observations during the morning rush hour indicate not only a high density of traffic on Queens Road around the intersecting junction with Edward Road and High Street but also significant difficulty experienced by drivers attempting to join Queens Road, in particular when turning right.
6. My observations indicate that the presence of delivery vehicles or buses stopping close to the junction, with passengers emerging, and of pedestrians waiting for opportunity to cross the main road through slow-moving traffic, some with an evident sense of urgency, would not be exceptional and generated a sense of unpredictable hazard. Conditions at the time of my visit exacerbated these not uncommon driving difficulties as it was raining and still sufficiently dark that cars, for the most part, were using dipped headlights, such that discerning pedestrians and cyclists became problematic in headlight glare.
7. My observations of the existing highway environment indicate that whilst some manoeuvres could be conducted with relative confidence as to the identification of risk even in the conditions experienced, that was not the case for those joining from (to travel west), or intending to turn right into, High Street. The potential for collision with pedestrians or cyclists anxious to get out of the rain or motorcyclists and other agile vehicles making sudden and unexpected movements was evident. Headlight glare and the diffusive effect of raindrops on unwiped areas of car windows significantly restricted opportunity for drivers to discern the existence of, or unexpected movement by, pedestrians and cycles, notwithstanding the exercise of care appropriate to the road conditions at the time. In such circumstances cognitive demands upon drivers are not, as the appellant wishes to suggest, low.
8. Whilst these circumstances could be characterised as specific to particular times of day and weather such that the risks I identify would not generally occur, gloomy and wet rush hours are hardly exceptional. My observations are material to the decision before me to the extent that the proposal could exacerbate any existing risk and that any collision between a vehicle and a pedestrian or cyclist even at low speed has the potential to be serious should attract significant weight.
9. The Planning Practice Guidance emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
10. I now turn to the effect of the proposed sign which would be internally illuminated and change image at intervals which would likely capture many drivers using the identified junctions. The Planning Practice Guidance (paragraph 067) sets out situations and advertisement types which may cause

danger to road users and these include the type of advertisement proposed and the circumstances identified, being visible to road users, glare, dazzle and distraction and subject to frequent change.

11. Whilst I note the representations of the appellant including managing image changes, the level of illumination of the D-poster and 'quiet' times proposed, I am not persuaded that such measures can moderate the visually disruptive effect of introducing an expansive illuminated and changing image which might be reflected by glassy surfaces such as shop windows or on wet pavements with, from my observations, potential consequences for road safety.
12. Further, whilst I note the representation as to eye dwell time, I question the presumption that such images (for instance the suggested emergency and public health messaging) are intended or could be quickly assimilated such that there would be no distraction to the road user. In any event the proposal would be an additional changing light source containing information with the potential to distract or confuse a driver engaged in manoeuvres such as those I conducted myself, which require, in conditions where visibility is impaired, full attention.
13. Overall, I find that a large illuminated and changing image in this location would contribute to visual confusion for drivers in poor weather conditions and that the change of image could distract a driver at a critical point to a degree which would unacceptably risk highway safety. That harm is not outweighed by the benefits identified in the appellant's statement, indeed the suggested benefits such as public announcements would appear to increase the risk of distraction since they might reasonably be expected to incorporate 'new' information that the reader might pause to absorb.
14. Whilst I note the appeal decision at 152 Queens Road came to a differing conclusion as to the highway safety impacts of a similar installation, the highway conditions are not equivalent and it is on the basis of my observation of location-specific circumstances that I have reached my conclusion.
15. Overall I conclude, for the reasons set out, that the proposed advertisement would unacceptably harm highway safety to the detriment of public safety, and consequently that the appeal should be dismissed.

Andrew Boughton

INSPECTOR