



Appeal Decision

Site visit made on 28 June 2022 by N Unwin BSc (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/N2345/Z/22/3298104

88-96 Market Street West, Preston PR1 2EU

- 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 Lynn Sedgwick of Clayton Recruitment against the decision of Preston City Council.
 - The application Ref 06/2022/0090, dated 19 January 2022, was refused by notice dated 7 April 2022.
 - The advertisement proposed is described as advertising career opportunities and positions available. 400 - 5500Mcd - Independent photoelectrical cell which will allow the display to adjust its brightness automatically. Electronic sign like many in the city.
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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.

Preliminary Matters

3. The Council has cited conflict with Policy EN9 of the Preston Local Plan (Site Allocations & Development Management Policies) (2015) (PLP). Whilst I have taken this policy into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my consideration of this appeal the Council's policies are not, in themselves, decisive.

Main Issue

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

Reasons for the Recommendation

5. The area surrounding the appeal site varies in character. Ringway is a heavily used, wide, multi-lane section of road primarily characterised by commercial uses adjoining the highway. A number of advertisements are present along Ringway, most of which are fixed to the façades of the businesses adjoining it. Great Shaw Street and Snow Hill are located on the opposite side of the appeal

- building from Ringway. These roads are primarily characterised by high density residential development with negligible levels of signage.
6. The appeal site accommodates a tall brick building north of Ringway and Market Street West, with the eastern elevation adjoining Trinity Place. Trinity Place is a narrow section of single lane highway with flanking buildings. The land rises to the north along Trinity Place.
 7. The plans submitted with the application show that the proposed advertisement panel would be positioned above the second-floor windows on the eastern elevation of the appeal building. The advertisement would be an LED display and would be around 2.08 metres in height and 3.2 metres in width. Due to the scale of the advertisement and its elevated position, it would appear prominent when viewed from the junction of Snow Hill and Great Shaw Street. Given the absence of any advertisements, such as the one proposed, visible along these sections of highway, the proposal would appear intrusive.
 8. The proposal would also be highly visible along a section of Ringway. Whilst there is existing signage along this section, most notably Kwik Fit, this is at a relatively low level. Due to the significantly higher elevation of the proposed advertisement in comparison to those adjoining this section of Ringway, the proposal would appear unduly prominent from this viewpoint. This prominence would be exacerbated by the illuminated nature of the proposal and the general lack of such LED advertisements along this section of Ringway. As a result, the proposal would negatively impact on the visual amenity of the area.
 9. I acknowledge the appellant's submission that the image changes will be limited to once every 10 seconds and that the level of illuminance would be controlled by an automatic ambient light sensor and restricted in line with the Institution of Lighting Professionals Professional Lighting Guide 05 (PLG 05). Nonetheless, I consider the imposition of such conditions to mitigate the impact of the proposal on visual amenity would not address the harm that I have identified which relates to the position and height on the building as well as its illuminated nature.
 10. Consequently, I conclude that the proposed advertisement would result in an unacceptable impact on visual amenity. Insofar as it is material, the advertisement would conflict with Policy EN9 of the PLP which, among other matters, requires proposals to make a positive contribution to the character and local distinctiveness of the area.

Other Matters

11. The appellant has drawn my attention to other advertisements along Blackpool Road and Fylde Road. However, I have not been made aware of the full circumstances of these and it is unclear whether they benefit from advertisement consent. In any event, the presence of these advertisements does not outweigh the harm I have identified in relation to visual amenity.
12. In addition to the above, reference is made to a new development on the site of the old market adjoining Ringway including a new cinema. However, from the very limited evidence before me, it is unclear how this would relate to the appeal proposal.
13. Finally, I have also taken into account the economic benefits of the proposal alluded to within the appeal statement. However, none of the above factors

provide for a compelling reason to grant advertisement consent for an otherwise unacceptable proposal.

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.

N Unwin

APPEAL 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