



Appeal Decision

Site visit made on 8 November 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/T2215/Z/22/3297234

Goals Dartford, Green Street Green Road, Dartford, DA1 1QE

- 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 Ben Porte (Clear Channel UK Ltd) against the decision of Dartford Borough Council.
 - The application Ref DA/21/01284/ADV, dated 10 August 2021, was refused by notice dated 1 March 2022.
 - The advertisement proposed is described on the application form as 'Installation of freestanding illuminated 48-sheet D-Poster
 - illumination to comply with Institute of Lighting Professionals' PLG05 (see planning statement)
 - Frequency of images to be no greater than once every ten seconds
 - No moving images, video or flashing lights to be displayed.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The appeal site is located in an area which is characterised by a mixture of development, with prevailing commercial uses. Despite this, in the immediately surrounding area, there are no examples of existing stand-alone advertisements of the prominent scale and appearance proposed by the appellant. Whilst there are many buildings and structures in the surrounding area (as well as some advertisements of a more limited scale), the character of the area is relatively open, particularly in the vicinity of the appeal site, where buildings are predominantly set back from the highway.
4. The appeal proposal includes a very prominent design which would be noticeably taller than other advertisements in the surrounding area. It would also be located in a prominent location facing the highway. The proposed signage would be incongruous in this context and would completely dominate the street scene. There is existing fencing located in front of the proposed location of the advertisement and additional screening could be incorporated below it. However, given the substantial scale of the proposal, these considerations would not sufficiently mitigate its harmful visual impact on amenity.

5. Both main parties have referred to the illumination of the advertisement. However, the proposal would result in unacceptable harm to amenity regardless of the proposed illumination.
6. Conditions pertaining to restrictions on hours of operation, the frequency of images and the levels of illumination would not sufficiently mitigate the visual harm caused by the proposal. This is because none of these factors has a bearing on the adverse visual impact of the overall scale of the proposal, which would be its most harmful aspect.
7. Both parties have also referred to an appeal in relation to another site. However, I have not been provided with a copy of the appeal decision and as such, this is a consideration which does not carry any significant weight. In any case, proposals should be considered on their own merits, taking into account the site-specific circumstances and characteristics.
8. For the reasons given above, the proposal would harm visual amenity as a result of the adverse effect on the character and appearance of the surrounding area.
9. The Council has cited Dartford Development Plan Policies Plan (2017) Policy DP2, which seeks in part to ensure that advertisements are of a scale and design that is sympathetic to the building and locality. For the reasons outlined above, the proposal would conflict with this policy. Nonetheless, I have only had regard to this policy insofar as it is a material consideration.
10. The Council has also cited emerging Policy M1 of the draft Local Plan. However, I have not been provided with any evidence of the precise status of the plan nor of any outstanding objections to this policy. As such, it carries no significant weight as a material consideration.

Conclusion

11. For the reasons outlined above, the appeal is dismissed.

Luke Simpson

INSPECTOR