



Appeal Decision

Site visit made on 7 December 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2023

Appeal Ref: APP/X2410/Z/22/3304514

86 Leicester Road, Loughborough, LE11 2AQ

- 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 Ltd against the decision of Charnwood Borough Council.
 - The application Ref P/21/1078/2, dated 28 April 2021, was refused by notice dated 10 June 2022.
 - The advertisement proposed is update and reposition of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated hoarding 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 maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2.
 2. No individual advertisements displayed shall contain moving images, animation, video or full motion images.
 3. The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 1 second or less.

Procedural Matter

2. I note that the description of the proposed advertisement given in the Council's decision notice differs from that stated on the application and appeal forms. Whilst the normal convention is use to description given on the application form, I consider that the description provided by the Council is clearer and more succinct. Consequently, I have used the Council's description in my decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area (amenity); and the effect of the proposal on highway safety.

Reasons

Character and Appearance (Amenity)

4. Number 86 Leicester Road is situated in a prominent position on the corner with King Street. Leicester Road is a principal road (A6) leading to and from the town centre. The property is within the Leicester Road Conservation Area (CA), which was designated by the Council in 1978 and extended in 2018. In the vicinity of the appeal site, the CA is characterised by three-storey terraced properties containing a mix of commercial and residential uses. The Council states that number 86 is 'locally listed' and I noted at my site visit that it exhibits a number of original and attractive features, including bay windows, decorative chimneys and fine detailing above the front entrance door and along the eaves. In my opinion, the building makes a positive contribution to the character and appearance of the CA.,
5. Notwithstanding the merits of the building, the side elevation fronting King Street contains a non-illuminated advertisement board that is similar in size to that proposed by the appellant. Unlike the existing advertisement, the proposed display would be illuminated and it would be positioned at a higher level. Whilst the content would not display moving images, they would rotate at regular (10 second) intervals.
6. Furthermore, an advertisement display similar to the appeal proposal is also attached to the side wall of the building on the opposite side of King Street, which is also within the CA. These displays are clearly part of the character and appearance of the CA, although I note that the Council's Conservation Area Appraisal states that 'such hoardings are out of place'.
7. The Council refers to various Development Plan policies in both its officer report and the decision notice. However, proposals for advertisement display are determined with regard to amenity and public safety. The provisions of the Development Plan are not determinative. Nevertheless, they provide useful background in understanding the Council's reasoning.
8. I am not persuaded that the proposal would be unacceptably harmful to the amenity of the area and the character and appearance of the CA, given the existence of the existing displays on both the appeal building and the property opposite. Both of these are prominent when approaching along Leicester Road and although the proposed advertisement display would be positioned at a higher level than the existing and would be illuminated with rotating displays, I am not convinced that the appeal proposal would make a material difference to the character and amenity of the area.

Public Safety

9. The County Highway Authority (CHA) has pointed to the busy road conditions in the vicinity of the appeal site and to the movements of vehicles and pedestrians at the junction with King Street and on Leicester Road itself. It also refers to accident statistics in the area. Whilst the CHA has no objection to the intensity of illumination proposed, it considers that road users could be distracted by the changing images on the display.
10. At my site visit, which was early on a weekday morning, I spent some time observing the existing display on the building opposite the appeal site. Traffic flows were constant and at times there were queues at the nearby traffic lights.

There were also significant pedestrian movements, including students attending nearby schools. The display changed quickly at regular 10 second intervals and I was not aware that this had any impact on driver or pedestrian behaviour.

11. I have also attributed weight to the appellant's supporting submission which provides examples of similar displays in other locations throughout the country. They are generally in busy, main road locations, which can be regarded as being comparable to the current appeal site.
12. Having regard to my observations at the site visit and the evidence submitted by the appellant, I find that the proposal would not have an adverse effect on public safety.

Conditions

13. Consent for the display of advertisements is subject to five standard conditions. The Council has not suggested any additional conditions, but the appellant has offered conditions that would control the intensity of illumination, the time period between displays and a restriction on moving images. In my opinion, these are reasonable and are in the interests of both amenity and public safety and. I have, therefore, imposed these in my decision.

Conclusion

14. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR