



Appeal Decision

Site visit made on 21 December 2022

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/N1160/Z/22/3309055
226 Albert Road, Plymouth PL2 1AW

- 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 Plymouth City Council.
 - The application Ref 22/01158/ADV, dated 22 June 2022, was refused by notice dated 05 September 2022.
 - The advertisement proposed is the Installation of one 48 sheet advert digital poster.
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Decision

1. The Appeal is dismissed.

Procedural Matters

2. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, the Regulations¹ and the Framework² make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, been decisive; however, I have taken them into account as material considerations where relevant.

Main Issues

3. The main issues are the effect of the proposal on the amenity of the area and public safety.

Reasons

Amenity

4. The appeal proposal relates to the installation of a 48 sheet digital advertisement on the eastern facing gable end of no.226 Albert Road, a three storey end of terrace building, with a commercial use on the ground floor, and residential uses above.
5. The gable end fronts towards Charlotte Street which leads upwards to the north, and is accessed via Albert Road, a busy transport route connecting to the centre of Plymouth, positioned to the south of the appeal site. The appellant has outlined that an advertisement hoarding was positioned on the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

² Paragraph 136 of the National Planning Policy Framework 2021

gable of no.226 historically, but this was removed in 2016 as a result of renovation works. This advertisement is therefore no longer in situ, and as a result this has little bearing on the appraisal of the proposals before me.

6. From my site visit, I noted that Albert Road predominately consists of a mix of neighbourhood commercial uses at ground floor level with associated ground floor low-key advertisements and signage; residential uses; and towards the western end in close proximity to the appeal site, there is a transition away from commercial uses, with the naval base opposite. The characteristics are of a mixed-use area.
7. The proposal would be most noticeable when approaching from the east, leading down Albert Road, where the gable of no.226 is perceived, with the backdrop of the naval base.
8. To my mind, a large illuminated digital display with changing images, would represent a clear departure from the manner of the low-profile advertising in the surrounding area.
9. Whilst I accept that the intention of advertisements is to draw the eye, the display would be overly dominant and would represent an incongruous feature, by virtue of the elevated position, the scale, the illumination and the commercial characteristics of the changing digital images. The appeal proposal would not appropriately harmonise with the characteristics of the appeal site and the surrounding context.
10. I acknowledge that the level of illumination could be controlled via condition, such as during the hours of darkness, as suggested by the appellant, the display would nonetheless still be illuminated, particularly when appreciated during the winter months, which would amplify its presence.
11. As a consequence, I conclude that the display would be harmful to visual amenity. The proposal would also be contrary to paragraph 136 of the Framework, which seeks to control advertisements in the interests of amenity.

Public Safety

12. The Council have highlighted concerns that the proposed display could distract highway users travelling in a westbound direction along Albert Road and when turning right from Albert Road into Charlotte Street, which they consider could lead to shunt type accidents occurring at this location.
13. However, from my site visit and my appraisal of the proposals, I do not share these concerns. As outlined above, the display would only be readily viewed from the east, and highway users approaching in a westbound direction would have a good standard of visibility of the highway ahead of them. When approaching towards the Charlotte Street junction, highway users wishing to turn right would utilise a right turn pocket on the highway, thereby allowing for traffic to continue along Albert Road in a westward direction without interruption.
14. As a result, whilst the display would be visible to highway users continuing along Albert Road, I am not of the view that it would be so distracting that it would result in a conflict with users of the highway turning right into Charlotte Road, who would, in the majority of cases, be within the adjacent right turn pocket.

15. With regard to highway users turning right onto Charlotte Street using the right turn pocket, I consider that the primary focus would be on the turning itself and whilst the display would be visible, it would be unlikely to be so distracting that users would not check that the highway was clear before crossing over it onto Charlotte Street.
16. I have also had regard to other possible highway manoeuvres, close to the appeal site, such as by users of the junction of Charlotte Street, leading onto Albert Road, and users at the traffic light junction further to the east.
17. However, in all of these circumstances, I do not consider that the proposal would lead to harm to highway safety. This is due to the likely nature of the highway activity associated with each location, the associated visibility of the proposed display, the speed limits that exist, the characteristics of the highway itself, alongside the opportunity to control matters regarding the nature of the display via condition.
18. Given my findings above, I conclude that the display would not have unacceptable impacts on highway safety and therefore would not harm public safety. The proposal would also not conflict with paragraph 136 of the Framework on this matter, which seeks to avoid unacceptable impacts on highway safety.

Other Matters

19. I have had regard to the appellant's comments on the sustainability of the design. However, in accordance with the scope of the Regulations, my consideration of the appeal is confined solely to issues in the interests of amenity and public safety. Consequently, I attach these matters limited weight in my consideration of the proposals.

Conclusion

20. Whilst I have found that the proposed display would be acceptable in terms of public safety, I have found that it would cause harm to the visual amenity of the area.
21. On this basis, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR