



Appeal Decision

Site visit made on 24 January 2023

by Sarah Manchester BSc MSc PhD MIEEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/E0915/Z/22/3311186

101 Kingstown Road, Carlisle, Cumbria, CA3 0AL

- 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 Mr Gavin Ferguson (Redtail Media Ltd) against the decision of Carlisle City Council.
 - The application Ref 22/0711, dated 14 September 2022, was refused by notice dated 14 November 2022.
 - The advertisement proposed is the erection of an LED digital advertising display affixed to the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework and the Planning Practice Guidance. Therefore, while I have taken into account the policies that the Council consider to be relevant to this appeal, these have not been decisive in my determination of it.

Main Issue

3. The main issue is the effect of the proposed advertisement on amenity.

Reasons

4. No 101 is a 2 storey property at the end of a terrace of traditional dwellings narrowly set back from the street with frontages enclosed by low brick walls. The appeal site gable end wall faces onto the forecourt parking area of the neighbouring commercial premises. The area is primarily residential with scattered commercial premises in the wider area including a public house, health club and supermarkets. The opposite side of the road at this point is characterised by built development set back behind landscaped areas with mature verdant planting including hedgerows and trees.
5. The proposed advertisement would be roughly 3m tall and 5m wide and it would be elevated about the ground by about 3m. It would display a series of internally illuminated static images for a duration of no less than 10 seconds each and with instantaneous transition between images.
6. The A7 Kingstown Road is a largely straight arterial route into Carlisle. Consequently, as the advertisement would be in a prominent and elevated roadside location, it would be visible in close and distant views from locations

to the north including residential areas and from vehicles travelling towards Carlisle.

7. At close range, the advertisement would be seen in the context of the immediately surrounding residential dwellings and the neighbouring single storey commercial building. The commercial building is set back from the street between residential dwellings and it is an unassuming presence in the largely residential street scene. The advertisement would be out of scale with, and it would not be assimilated by, the dwellings or the commercial premises with its modest fascia and free-standing forecourt signage.
8. From further away, the neighbouring commercial building is largely hidden from view and the advertisement would instead be seen in the context of the semi-detached, detached and terraced dwellings that line the road and the verdant mature planting on the opposite side of the road. The large contemporary advertisement would be out of keeping and incongruous in the primarily residential and leafy surroundings. The expansive frequently changing images would be conspicuous and visually obtrusive both during the day and overnight.
9. By virtue of its prominent siting, scale and its height above ground, the advertisement would be a discordant feature that would dominate the street scene. Moreover, by virtue of the change in ground levels along the A7, it would be a dominant feature on the skyline to the detriment of the townscape. The advertisement would not make a positive contribution to local character or sense of place.
10. There is advertising along the A7 including on bus shelters and free-standing hotel and traditional public house signage. These are generally modest and low level features and they are widely separated from the appeal site. They would not integrate the proposed advertisement into the area. The advertisement would also be widely separated from and it would not be seen in the visual context of large commercial buildings in the area, including the health club and supermarkets. These do not provide a justification for the advertisement.
11. The supporting information with the application refers to consented digital signage elsewhere. Except for reference numbers, some of which are incorrect, few details have been provided. However, those schemes are remote from the appeal site and none provide a visual context for the proposal. The Council states that the location of the consented signage is not directly comparable to the appeal scheme and there is little evidence to the contrary. Advertisements elsewhere in different surrounding contexts do not provide a justification for the appeal.
12. In addition to the standard conditions, the appellant suggests conditions to control illuminance in accordance with established guidance, to maintain the level of brightness relative to ambient levels, to show a black screen in the event of malfunction, and for instantaneous changeover between static images no more often than every 10 seconds. However, these measures would not overcome the visual harm arising from the prominent siting and scale of the advertisement and its unsympathetic and dominant relationship with its surroundings. The harm could not be mitigated by the imposition of conditions.
13. Therefore, I conclude that the proposed advertisement would harm the character and appearance of the area and it would harm amenity. As I have

found harm, and although not determinative, it would conflict with Policy SP6 of the Carlisle District Local Plan 2015-2030 including in relation to responding to local context and respecting local character and distinctiveness.

Conclusion

14. For the reasons set out above, I conclude that the proposed advertisement would harm amenity. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR