



Appeal Decision

Site visit made on 24 January 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed 14 February 2023 by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/W0734/Z/22/3311382

85 Acklam Road, Middlesbrough, TS5 5HR

- 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 Ben Porte of Clear Channel UK against the decision of Middlesbrough Council.
 - The application Ref 22/0405/ADV, dated 8 June 2022, was refused by notice dated 10 October 2022.
 - The advertisement proposed is installation of illuminated 48-sheet D-Poster (digital) display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form appears to contain details in support of the proposal. These are not acts of development in themselves. I have therefore removed them from the banner heading above, although I have taken the points raised into account in my reasoning below.

Main Issues

3. The main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons

Amenity

4. The appeal site is the gable end of a two-storey property, on the corner of Acklam Road and Cambridge Road. The property forms part of a row of commercial premises fronting Acklam Road within a local centre. The surrounding area has a mixed-use character which includes commercial and community uses, and the wider area is predominantly residential. There are a variety of modestly sized advertisements close to the site, including free standing, mounted and shop fascia signs, as well as street lighting, road signs and bus stops.
5. The proposed digital poster would front Cambridge Road, opposite a public house. The top of the poster would be just below eaves height and would therefore be situated at a high level making the proposal prominent in the street scene. It would occupy a significant proportion of the gable elevation above ground floor level. Consequently, it would be out of scale with the elevation and would appear as an overly dominant and intrusive feature in

relation to it. It would primarily be visible from Cambridge Road and Acklam Road and would also be visible on approach from Stainsby Road. Owing to its size and position it would appear as an unduly strident feature within all three street scenes.

6. There was previously a poster of a similar size at the appeal site of a traditional paper and paste format which was set down from the eaves. The proposal is different. It would be fixed at a higher level, illuminated and capable of rotating static digital advertisements every 10 seconds. Consequently, the proposal would appear more prominent.
7. The proposed development may well add colour and interest to an otherwise blank brickwork elevation and be set back from the road by a small car parking area. Nevertheless, despite the area's mixed-use character, including commercial uses, and existing modestly sized advertisements, the proposal would appear as an incongruously large and highly visible isolated illuminated digital advertisement which would be obtrusive, visually dominating the surrounding area.
8. I have considered the example of another site where a paper and paste format has been replaced with an illuminated advertisement¹. However, the context between that site and the appeal site differs in terms of their respective relationships with their street scenes. The other site is not located on a crossroads and as such, is not directly comparable.
9. The appellant has suggested a condition be imposed to mitigate the illumination levels. However, while it may be that the advertisement would not look unlike a traditional paper and paste poster during the day, and there would be existing night-time illumination in the area immediate to the site, this would be limited, whereas the entire poster is to be illuminated, in an area where there is an absence of large, illuminated advertisements. Moreover, the advertisement would involve changing images on display. As such, limiting the level of illumination would not resolve the visual effect of the proposal.
10. Accordingly, the proposal would be harmful to the amenity of the area. I have taken into account policies CS5 and DC1 of the Middlesbrough Local Plan (2018) which, amongst other things, seek proposals with a visual appearance that is well integrated with the immediate and wider context and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.
11. The appeal scheme would also be contrary to the provisions of the National Planning Policy Framework at paragraph 136 in relation to the siting and design of advertisements.

Public Safety

12. The appeal site is located at the signal-controlled crossroads of Acklam Road/Cambridge Road/Stainsby Road. I note the appellant's findings from a review of the Department for Transport records that accidents in the immediate vicinity of the appeal site are not overly frequent. However, at the time of my site visit I saw the crossroads to be a well-used junction with significant vehicle and pedestrian movements.

¹ 21/0430/ADV4 31 Linthorpe Road Middlesbrough, presented by the appellant.

13. The Planning Practice Guidance² states that all advertisements are intended to attract attention, but advertisements at points where drivers need to take more care are more likely to affect public safety. This includes junctions and pedestrian crossings as well as when advertisements include illumination or changes of display. The appellant suggests that the highway layout in the vicinity of the appeal site is not inherently complex and that drivers would gradually assimilate the presence of the proposed digital poster, and therefore not be distracted by it. However, the changing aspect of the display together with the dominant and obtrusive position and incongruous appearance of the proposed advertisement means that it would have the potential to distract drivers and other road users. This would be at a busy crossroads where concentration is required.
14. As set out above the appellant suggests the illumination could be controlled, as well as the changing of images. However, as well as failing to address its prominent and incongruous nature, such conditions would also not adequately address the harm it would cause to highway safety.
15. As such, the proposal would have a harmful effect on public safety. This is in conflict with Policy DC1 of the Local Plan which includes a requirement that proposed development has no impact on highway safety.

Conclusion

16. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety. Therefore, the appeal should be dismissed.

F Harrison

INSPECTOR

² Paragraph 067 Reference ID: 18b-067-20140306