



Appeal Decision

Site visit made on 31 January 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2023

Appeal Ref: APP/X1355/Z/22/3309589

**Land adjacent Hotel 52, A167, Thinford, Spennymoor, County Durham
DH6 5JQ**

- 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 Warren Milroy of Vivid Outdoor Media Solutions (B) Limited against the decision of Durham County Council.
 - The application Ref DM/22/01448/AD, dated 12 May 2022, was refused by notice dated 7 September 2022.
 - The advertisement proposed is the erection and display of two freestanding 48-sheet sized digital LED advertising units, each mounted on a central pole facing opposite directions in a 'V' formation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety.

Reasons

3. The appeal site is an area of grassland in between the A167 and Hotel 52, on approach to Thinford roundabout, a circulatory signalised junction, incorporating pedestrian crossings. It is adjacent to an access road to Thinford Park which serves several premises, including drive thru food and drink outlets. The surrounding area is mixed use and has a commercial character. There are a variety of modestly sized advertisements including totems, free standing post signs and shop fascia signs, as well as street lighting, traffic lights and road signs. There are currently two free standing post signs at the appeal location which would be replaced by the proposal.
4. It is suggested that large format advertisements are commonplace in commercial areas. However, despite the presence of existing smaller illuminated signs and street lighting in this location, the proposed freestanding digital LED advertising units, in a 'V' formation, would appear as a highly visible and isolated fully illuminated digital advertisement. Irrespective of the numerical distances to both the roundabout and nearest pedestrian crossings, from my observations on site the proposal would be large in size and in an elevated position resulting in the advertisements being prominent in views in both directions along the A167. It would also be visible in longer views from the A688 travelling towards the roundabout.

5. I note the findings of the appellant's Transport Issues Statement (TIS) that accidents in the appeal site location are not overly frequent, and there may well be no scientific or statistical evidence to indicate an increase in crashes as a result of roadside digital advertising displays. Nonetheless, the Planning Practice Guidance¹ states that all advertisements are intended to attract attention and advises that 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.
6. The TIS indicates that the approaches in the vicinity of the appeal site are not difficult or complex and involve a straightforward series of movements. However, despite the carriageway being single lane, it is in a location where cars may be turning into and pulling out of the access road that serves Thinford Park, and crossing the carriageway from the opposite direction, turning right into it. This is at a time when motorists will be breaking on approach to the roundabout and should have their full attention on which of the four lanes is required to traverse the roundabout.
7. In the opposite direction I observed cars waiting to turn right into Thinford Park, stationary in the carriageway as there is no filter lane, where vehicles are accelerating away from the roundabout and where two lanes merge into one. I therefore find the area surrounding the appeal site a location sensitive to distraction or confusion. Even though the proposal would be at close proximity at this point and despite the elevated position, the advertisement would be highly visible.
8. Despite the commercial character and appearance of the area, the changing aspect of the illuminated display together with its large scale and prominent elevated position means that the proposal would have the potential to distract drivers and other road users both in the immediate locality and beyond in longer views, where concentration is required on both the road, traffic signs and traffic lights. Although the proposed advertisement would not change any more frequently than once every 10 seconds, the change to the next image, though instantaneous, is still likely to be noticeable and distracting, to the detriment of highway and public safety.
9. The appellant suggests the illumination would be controlled to ensure the screens would not 'dazzle' motorists and a number of conditions are proposed to limit the brightness of display, control the display change frequency and ensure it is instantaneous, and prohibit the use of interactive messages or special effects. In doing so it would meet the relevant standards. However, this would not address the proposed development's prominent nature and would not adequately address the harm it would cause to highway safety.
10. While it may be that the proposal will provide an opportunity for the tenants of Thinford Park to advertise their business and their location without the need for a clutter of individual directional signs, it has not been shown that the appeal scheme is the only way to achieve this aim. I also note that the proposal has been designed to take account of the Council's concerns about another nearby scheme which was larger in scale and closer to Thinford roundabout. In doing the appeal scheme has been positioned to maintain a clear visibility splay, would be offset from the highway, and would not obstruct highway signs or

¹ Paragraph 067 Reference ID: 18b-067-20140306

signals. Nevertheless, for the reasons set out above, the proposal would be distracting to road users.

11. As such, the proposal would have a harmful effect on public safety. I have taken into account policies 21 and 29 of the County Durham Local Plan (2020) 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 public safety, the proposal conflicts with these policies.
12. The proposal would also be contrary to the provisions of the National Planning Policy Framework at Section 12 in relation to the siting and design of advertisements.

Conclusion

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

F Harrison

INSPECTOR