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# 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: 01 March 2023**

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**Appeal Ref: APP/N1160/Z/22/3310957**  
**176 Union Street, Plymouth PL1 3HL**

- 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 22/01320/ADV, dated 22 July 2022, was refused by notice dated 26 September 2022.
  - The advertisement proposed is the Erection of a digital 48 sheet advertising hoarding.
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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 Regulations<sup>1</sup> and the Framework<sup>2</sup> 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 a material consideration where relevant.

## Main Issues

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

## Reasons

### *Amenity*

4. The appeal proposal relates to the installation of a digital 48 sheet LED display, which would present multiple static advertisements on rotation, on the west facing gable end of no.176 Union Street, a three storey building, with a commercial use at ground floor, with a number of static advertisements associated with the ground floor use positioned at this level.
5. The display would present in a vertical manner, covering the right hand side of the first and second floor levels of the gable of no.176, and would be primarily viewed when approaching from the west.

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

<sup>2</sup> Paragraph 136 of the National Planning Policy Framework 2021

6. Union Street is a busy highway leading into and out of Plymouth City Centre. The characteristics of the site and the surrounding context are one of a transition before the busy commercial core of Plymouth.
7. The immediate area to the appeal site provides for a mix of uses, with a public house directly adjacent to no.176, a supermarket and commercial uses on the opposite side of Union Street to the south, alongside various residential uses, ground floor commercial premises and other similar uses typical for a transitional area leading towards a city centre. From my site visit, it was noted that the predominance of the advertising in the context of the appeal site are of a low-profile.
8. The appeal display itself would be highly visible for a considerable distance when leading from the west. From this direction, the proposal, by virtue of the elevated position, the scale, the illumination and the commercial characteristics of changing digital images, would represent a distinctly different display to existing advertising in the area.
9. Whilst I appreciate there is a mixed-use character to the surroundings to the appeal site, as outlined above, the existing advertising is of a low-profile, and the appeal proposal for the above reasons, would represent a stark and incongruous commercial feature that would not appropriately harmonise with the characteristics of the appeal site and its 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. However, the display would nonetheless still be illuminated, particularly when appreciated during the winter months, which would amplify its presence.
11. Ultimately, such a display, would represent an intrusive and dominant feature within its surroundings, which 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. As outlined above, the display would be predominately appreciated when approaching from the west.
13. Union Street is a single carriageway and when approaching from the west there is a linear run of parking spaces adjacent to the highway, which in the predominance of cases would require vehicles to reverse from or into the highway to facilitate their use.
14. Almost directly opposite the appeal site to the south, there is a vehicular access leading into a parking area for a number of commercial premises. When approaching from the west, turning right into this parking area would require vehicles to stop on the carriageway when there is oncoming traffic, before turning when there is a convenient break.
15. As a consequence, there is a variety of traffic activity in close proximity to the appeal site, that could involve uncontrolled manoeuvres within and across the highway, which have the potential to present traffic hazards.

16. Whilst I appreciate the highway is straight with good visibility, the proximity of the above activities places significant cognitive demands on drivers when approaching towards the appeal site from the west.
17. I am concerned that the appeal proposal, which would represent a prominent, illuminated and changing digital display, would be a distraction to drivers approaching from the west, at a time when they need to be looking towards and concentrating on the localised conditions that exist and what is occurring on the highway.
18. Whilst conditions could be imposed to ensure there is no display of moving or flashing images, this would not, in my view, be sufficient mitigation against the potential for driver distraction.
19. As a result, the proposed display would result in unacceptable impacts on highway safety and therefore harm to public safety. The proposal would also conflict with paragraph 136 of the Framework which seeks to avoid unacceptable impacts on highway safety.

### **Other Matters**

20. 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**

21. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be dismissed.

*J Evans*

INSPECTOR