



Appeal Decision

Site visit made on 2 February 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th March 2023

Appeal Ref: APP/C1055/Z/22/3310137

Land on the West Side of Sinfin Lane, Derby DE23 8WJ

- 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 R S Fagura against the decision of Derby City Council.
 - The application Ref: 22/00972/ADV, dated 10 June 2022, was refused by notice dated 14 October 2022.
 - The advertisement proposed is new pair of 48-sheet digital advertisement displays.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed advertisement displays on amenity having regard to the character and appearance of the area and streetscene, and the effect on public safety.

Reasons

Amenity

3. The proposal involves the erection of two separate digital advertisement displays located adjacent to a vacant public convenience building. The displays would be erected in a 'V' formation around a central monopole. The site is next to the signalised junction of four busy roads. To the east is the Oast House public house and a Premier Inn, with a Lidl store lower down on Sinfin Lane. There is residential development to the west of the site off Rawlinson Avenue and residential and commercial development to the north served by Balaclava Road, Newdigate Street and Osmaston Park Road. The location is mixed in its forms of development and not solely a commercial area.
4. The proposed displays would be visually prominent in the streetscene because of their proximity, size, height and illumination. They would be seen from the nearby semi-detached properties of 1 and 3 Newdigate and 2 and 4 Sinfin Lane. Although views would be slightly angled from the front elevation of the houses, the separation distance between the appeal site and the dwellings and their gardens would be inadequate. The illuminated display facing almost north-west, with its inter-changing static images, would dominate views from the nearest houses. I note that the appellant has suggested that the illumination could be switched off between the hours of midnight and 7 am. However, any benefit from such a restriction would be likely to be limited as

residents would normally be asleep. I therefore find that there would be a significant detrimental impact on outlook and residential amenity for the occupants of those houses.

5. Advertisements in the vicinity of the appeal site includes signage for the Oast House public house. There are also lamp standards, telegraph poles and traffic lights. The proposed advertisement displays would add unduly to the clutter in the streetscene at a restricted and cramped position between the vacant public convenience building and the adjacent roads.

Public safety

6. The Highway Authority found that there would be potential for driver distraction as a result of the proposed signs, but raised no objection subject to a range of conditions to mitigate their impact. The Highway Authority advised that the proposed signage could lead to a measure of driver distraction, particularly if viewed at the 'change over' of the advertising. It therefore sought the appellant to fund the provision of a suitable 'backing board' for installation on the nearside primary traffic signal head in order to provide reassurance that the proposals would not impede public safety. The Highway Authority has suggested a Grampian condition to deal with this issue. I find that the proposed advertisements appear to be capable of being acceptable in respect of highway safety through the imposition of appropriate conditions.

Other Matters

7. The appellant has referred to other advertisements within Derby and elsewhere, including a residential part of Otley. However, the particular circumstances of those examples differ from those at the appeal site and constitute insufficient reason to allow the appeal before me.
8. The Council has cited saved policies GD5 and E26 of the adopted City of Derby Local Plan Review and Policy CP23 of the adopted City of Derby Local Plan - Part 1: Core Strategy in its reasons for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these development plan policies into account as a material consideration, they have not been a decisive factor in my determination of this appeal.

Conclusion

9. It is possible that the harm to public safety identified by the Highway Authority could be mitigated through the imposition of conditions. Nevertheless, I have found above that the proposed advertisement displays would harm the character and appearance of the area, streetscene and amenity. I have taken all other matters raised into account, including the National Planning Policy Framework. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR