



Appeal Decision

Site visit made on 20 March 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2023

Appeal Ref: APP/C1055/Z/22/3313560

Land at Pro Trade Ltd, Sidney Robinson Business Park, Ascot Drive, Derby DE24 8EH

- 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 Alight Media against the decision of Derby City Council.
 - The application Ref 22/01651/ADV, dated 18 October 2022, was refused by notice dated 16 December 2022.
 - The advertisement proposed is a new pair of illuminated 48-sheet digital advertisement displays
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has suggested that the proposed advertisement would conflict with the requirements of Policy E26 of the City of Derby Local Plan Review (2006) (the Local Plan). The Regulations and Paragraph 136 of the National Planning Policy Framework (the Framework) are clear that proposed advertisements should only be assessed in the interests of amenity and public safety. In result, the policy cited is not decisive. However, as a material consideration, I have had regard to the cited policy.

Main Issue

3. The main issue relevant to this appeal is the effect of the proposed advertisement upon the visual amenity of the surrounding area.

Reasons

4. The appeal site consists of a grassed area near to the front of a small business park. As part of the use of the wider site, some advertisements are present. The wider area contains several commercial facilities. The majority of these contains some form of advertisements. However, these are generally attached to the associated building. The surrounding topography is relatively level.
5. The proposal would result in an increase in the overall level of signage at the appeal site. The signage would be unusual given that it would be of a relatively large size and would be free-standing. The proposed advertisement would also be located closer to the front of the appeal site than the bulk of the existing signage. This would render the proposal incongruous. This adverse effect would be exacerbated by reason of the height of the signage and the width of the advertisement.

6. Therefore, the siting and design would erode the more open character that is a feature of the surrounding area. It would be particularly noteworthy given that the proposed signage has a large width and height. The proposal would therefore be readily perceptible in the surrounding area given that there are relatively few built structures or landscaping that might obscure views of the proposed signage. These effects would arise even though the signage would add some variety to the locality.
7. These adverse effects would also be exacerbated by reason of the fact that the advertisement would be illuminated and would also feature a varying display. Although the frequency of change of displayed advertisements would be unlikely to be a distraction to passing motorists, it would serve to draw attention to the proposed installation and, in consequence, the development would be a strident addition to the vicinity.
8. In addition, the topography of the surrounding area, combined with the pattern of the surrounding road network means that the advertisement would be readily perceptible from the surrounding area. In consequence, the proposed signage would be particularly prominent, and the erosion of the area's character would be notable.
9. Given that the appeal site is within a commercial area, the presence of advertisements is a common feature of the surroundings. However, the existing signage is typically attached to buildings and set back from the edge of the highway. Therefore, there is a significant contrast between the existing and proposed signage.
10. There are some free-standing signs nearby. However, these are relatively few, are smaller than the appeal scheme and do not feature the same varying display. Therefore, they do not have the same effects as the appeal scheme would have.
11. In consequence, the presence of signage elsewhere does not allow me to disregard my previous findings. In result, the proposed advertisement would have a detrimental effect upon the character and appearance of the surrounding area.
12. The siting and design of the proposed advertisement is unlikely to have an adverse effect upon the overall level of public safety. In addition, there would be no adverse effects upon heritage assets or the living conditions of neighbouring occupiers. However, these are only some of all the matters that must be assessed. They therefore do not overcome my previous concerns.
13. I understand that the proposed advertisements could be used to advertise local businesses and activities. In addition, the signage could be used for public information announcements. Although these are potentially of some benefit, it has not been demonstrated that the appeal scheme is the only means by which these benefits could be achieved. Therefore, this does not outweigh my previous comments.
14. Although the proposal would not screen any unsightly land, I note that Policy E26 of the Local Plan is consistent with the Framework in that it states that new signage should not detract from the appearance of the local environment. For the preceding reasons, the development would conflict with this policy.

15. I therefore conclude that the proposed advertisement would have an adverse effect upon the visual amenity of the surrounding area. The proposed advertisement, in this regard, would conflict with the requirements of the Framework.

Conclusion

16. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR