



Appeal Decision

Site visit made on 25 April 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/K2230/Z/22/3306599

29 The Hill, Northfleet, Gravesend, Kent DA11 9EX

- 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 Gravesend Borough Council.
 - The application Ref: 20220579, dated 23 May 2022, was refused by notice dated 20 July 2022.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative for this appeal.
3. The Council raise no concerns in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view.

Main Issue

4. The main issue is the effect of the proposed advertisement on amenity.

Reasons

5. The appeal site occupies a prominent position within The Hill Conservation Area (CA). The site contains a large non-illuminated billboard, which is set back from the highway behind a grass verge and footway. The area contains a mix of historic and modern buildings, which are within a variety of uses including commercial, retail, residential and industrial. The site lies on a clifftop. The cliffs and industrial development below are not visually apparent from this part of The Hill, as they are screened by the existing built form. There is a footway adjacent to the site, where wider views are available.
6. 'Amenity' as defined in the PPG, is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement.

The PPG advises that the local characteristics of an area are relevant when assessing amenity, including the presence of any feature of historic, architectural, cultural or similar interest. The Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.

7. Opposite the site are Nos 1 and 2 Granby Place, which are a pair of semi-detached 2 storey houses, constructed of yellow brick with a hipped slate roof. The dwellings and their boundary wall/piers are Grade II listed. Granby Place is an important gateway building at the edge of the CA. The Hill, Northfleet Conservation Area Appraisal (CAA) 2009 identifies Granby Place as a key building. Insofar as is relevant to this appeal, the significance of the listed buildings derives from the extent in which their architectural style and detailing remains intact. The boundary walls and piers complement the dwellings. The presence of features of historic interest, such as listed buildings are a material consideration when considering the effect on amenity.
8. The CA encompasses the core of the ancient settlement of Northfleet. The significance of the CA insofar as is relevant to this appeal is derived from the variety of historic buildings that are centred around a triangular-shaped public space. The presence of 19th century residential villas, such as the listed buildings opposite contribute to the significance of the CA. The CAA identifies that the view from north to south along The Hill towards the 'village green' is a key positive view. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of CAs. This statutory duty applies insofar as considerations relate to amenity.
9. There are a variety of advertisements in the area, including those of a traditional form and appearance. Where advertisements are illuminated, these are generally externally illuminated. Internally illuminated signs are not overly prominent in the locality. Furthermore, I noted no other large billboard advertisements or digital signage in the immediate locality.
10. The CAA identifies the existing billboard advertisement as a negative feature within the CA. The proposed advertisement would be the same size and in the same position as the one it would replace. However, as a result of the internally illuminated display with digital images it would appear considerably more prominent in the street scene. The intermittent changing of the static illuminated display would draw significant attention to the advertisement, which would further accentuate its visual prominence. The proposal would be more modern in its form and technology than any other advertisements that I noted in the area. It would appear as an incongruous feature within the street scene, which would be particularly prominent during the hours of darkness. Consequently, it would be unduly harmful to the visual amenity of the area and would neither preserve or enhance the character or appearance of the CA.
11. Although the proposal would be separated from the listed buildings by the existing road infrastructure, given its proximity to the listed buildings, it would adversely affect the appreciation of these buildings. Having regard to Historic England's Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) dated December 2017, I find that the overtly modern appearance and obtrusive nature of the proposal would not preserve the setting of the listed buildings/structures.

12. I have had regard to the standard conditions set out in Schedule 2 of the Regulations. I have also considered the conditions proposed by the appellant. In addition, I note that the proposed levels of illumination would fall within the guidelines set by the Institute of Lighting Professionals and levels of illumination would be able to adapt to light levels during the day. Even with these suggested conditions, the proposal would appear unduly prominent by reason of its illumination and frequently changing images and would contrast unfavourably with the historic character of the area. The proposed conditions would not overcome the harm that I have identified to amenity.
13. The Council's reason for refusal does not raise any concerns regarding the impact on the proposed advertisements on the living conditions of nearby residents. I am satisfied that subject to appropriate conditions, there would be no harm to residential amenity.
14. Overall, I conclude that the proposed advertisement would be harmful to amenity. Although not determinative, I have had regard to Policies TC2, TC3 and TC8 of the Gravesham Local Plan First Review Saved and Deleted Policies Version September 2014 and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014. These policies are of relevance insofar as they require proposals to conserve and enhance the character of the local built and historic environment; preserve and where appropriate enhance the significance of the Borough's heritage assets; and make a positive contribution to the street scene and quality of the public realm.
15. I have also had regard to paragraphs 136 and 197 of the Framework, which require that account is taken of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

Other Matters

16. The appellant refers to social, economic and environmental benefits of the proposal. As this is an advertisement consent appeal, the Regulations require that I exercise my powers with regards to amenity and public safety only. The suggested benefits therefore cannot be taken into consideration in my decision.
17. The appellant has drawn my attention to other large-scale digital advertisements that have been granted planning permission or allowed at appeal, including those that affect heritage assets. Full details of these schemes are not before me; however, there are material differences in comparison to the current appeal proposal, including amongst other things, the siting and characteristics of the locality. As a result, these schemes are not directly comparable. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
18. The appellant has submitted evidence to demonstrate that the advertisement board has existed in its present state for at least 10 years. Nevertheless, in light of my findings above, I find that the presence of consent for the existing advertisement, or lack thereof, does not alter my conclusion.

Conclusion

19. For the reasons given above, I conclude that the proposed advertisement would be harmful to amenity. The appeal is therefore dismissed.

A James

INSPECTOR