



Appeal Decision

Site visit made on 25 April 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/Q3060/Z/23/3315316

Land at the Corner of Radford Road and Gregory Boulevard, 85-87 Radford Road, Nottingham NG7 5LG

- 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 Space Outdoor Limited against the decision of Nottingham City Council.
 - The application Ref 22/01953/ADV2, dated 16 September 2022, was refused by notice dated 22 December 2022.
 - The advertisement proposed is described as 'replacement of 96-sheet advertisement to 48-sheet advertisement and conversion of poster display to D-poster'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading and decision above has been taken from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I have used the address given on the appeal form and the Council's decision notice rather than the application form. This provides a more complete address.
4. I have assessed the proposal in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended (the Regulations). Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals. The Regulations allow for development plan policies to be considered only in so far as they are material.

Main Issue

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

Reasons

6. The existing wide 96-sheet hoarding is positioned to the side of No's 85-87 Radford Road, projecting above a boundary wall. The existing paper advertisement faces into a 'pocket park' an area of open space within the Hyson Green District Centre. This is laid with grass, footpaths and benches, and positively contributes to the character of the area and provides a sense of place to the district centre. A 48-sheet paper hoarding, for which a digital display which was approved, also faces into the park. The area is commercial in

character, but there are also community and residential uses. Buildings tend to be of traditional red brick terrace appearance, and therefore the majority of the fascia adverts on the shops tend not to extend above first floor.

7. The proposal seeks permission to install a 48-sheet digital advertisement (D-Poster) which would display static advertisements on rotation. The existing paper hoarding is shown as 12 metres wide and is highly visible within the area, including the busy junction. Its existing size dominates the Park and incongruously juts out into it and above the wall in front of which it is sited. It also faces a larger area of open space in front of it and is seen from a long distance from several viewpoints due to the wider expanse of the road junctions and length of park in front of it.
8. The D-Poster would be of a similar height and depth to the existing hoarding and the width of the display would be reduced by half. This would limit the area of advertisement and reduce clutter. The intensity of illumination could be controlled, and static images displayed. However, despite the above the proposed illumination and frequent rotation of the display would significantly increase the visual prominence of the advertisement, particularly in the evening and at night.
9. Notwithstanding the reduction in size, there would also be cumulative effects with the approved D-poster. This would also have the potential to rotate, and both illuminated together would give the area an overtly modern appearance, which would jar with the surrounding appearance of the area. This would significantly detract from the character of the park and its function to provide visual and natural relief. Furthermore, given its prominent corner position at the park and the distance over which it would be seen, I therefore consider that the change in the nature of the advertisement would be visually obtrusive even within this commercial setting.
10. For the reasons given above, I find that the proposed advertisement would harm the amenity of the area. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would harm the amenity of the area, the scheme would not meet with the aims of DE5 of the Nottingham Local Plan (the Local Plan) which seeks to protect visual amenity. The proposal would also not fulfil the requirements of paragraph 136 of the National Planning Policy Framework.

Other Matters

11. Attention is drawn to the potential environmental, social and economic benefits of the proposal; however, I must limit my consideration of the appeal to matters of amenity and public safety. In any event, those benefits through the reduction in emissions and waste, the use of sustainable energy, charitable and social opportunities and the increase to business rates would not outweigh the totality of the harm which I have identified.

Conclusion

12. For the reasons given above I conclude the appeal should be dismissed.

K Williams

INSPECTOR