

Appeal Decision

Site visit made on 18 May 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/A1530/Z/23/3320108
Greenstead Road, Colchester CO1 2SQ

- 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 Group Limited against the decision of Colchester Borough Council.
 - The application Ref 230004, dated 14 December 2022, was refused by notice dated 1 March 2023.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster and removal of 6no. existing advertisement hoardings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original proposal involved the removal of four existing advertisement hoardings. However, a formal revision to the application was accepted by the Council to remove six hoardings in total, as described above. As the Council determined the application the subject of this appeal on this basis, I have done the same.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area, in particular on the living conditions of nearby residents and on the character and appearance of the street scene.

Reasons

4. Greenstead Road includes a mix of commercial uses running down its western side with residential properties opposite. There are a series of seven hoardings with externally-illuminated static poster advertisements running northwards from the junction of Greenstead Road and Hythe Station Road. These are in front of the commercial properties and face towards the dwellings. The hoarding to be retained is the northernmost of the seven. Directly next to this is a more recent advertisement, allowed on appeal¹, which is perpendicular to the road and displays an internally illuminated digital poster similar to the current proposal.

¹ APP/A1530/Z/21/3270360.

5. Also of relevance is a recent unsuccessful appeal involving a proposal to change the southernmost hoarding next to the road junction to a digital display². As both these cases involve similar proposals to the current appeal, with the effect on visual amenity being the main issue, I have had regard to them in relation to the current proposal.
6. The closest residential property to the existing hoarding is No 174, a relatively large detached dwelling; despite the angle of the hoarding to the road, it directly faces the frontage of this property. The apartment buildings behind this and the terraced dwellings to the south are sufficiently distant from the hoarding's location not to be affected materially by the proposed change. The bungalows on the other side of No 174 have an oblique view of the hoarding and are also well-separated from it. As such, the occupants of these properties would be unaffected.
7. No 174 has a number of ground and upper floor windows on the road frontage, which are likely to serve habitable rooms. Despite the hedge to the front boundary, occupants of these rooms would readily be able to see the advertisement opposite, particularly from the upper floor rooms. This relationship between the hoarding and the nearest dwelling is similar to the earlier appeal for changes to the hoarding to the south. Although more dwellings would have been affected, the angle and distance across the road are similar.
8. In that case, the Inspector found that the existing hoardings are simple poster-style displays, which appear to have been long-established and there are no obvious examples of illuminated display boards or other lit signage in the very nearby area. The hoarding in this case does have the digital display allowed on appeal directly next to it. However, the advertisement is angled away from the dwellings opposite, which is not the case in respect of the current proposal.
9. In the unsuccessful appeal, the Inspector concluded that the proposal would be likely to negatively affect the residential amenity of some occupiers of properties opposite, due to the illumination and regular movements of the display. The current proposal involves greater control over the levels of illumination during the hours of darkness (no greater than 100cd/m² compared to 150cd/m² in the earlier appeal); and the appellant indicates that the display could be switched off between 22:00 and 07:00. I have also had regard to the submitted evidence concerning technical and professional guidance for this type of advertisement in this location.
10. I acknowledge that the controls proposed will help to mitigate the effects of the advertisement during a significant part of the period when they would be particularly evident, during the hours of darkness. However, compared to the current poster the internally-illuminated and changing display would readily be apparent to the occupiers opposite, particularly during the evening and earlier morning in the periods when the display would not be switched off. Moreover, this part of Greenstead Road includes little street lighting and the removal of the other hoardings will also result in the reduction of other forms of external illumination. Consequently, the overall effect of the proposal compared to the

² APP/A1530/Z/21/3280208 dated 18 March 2022.

current situation will, as in the earlier appeal, result in a material change to how the advertisement is experienced, negatively affecting the amenity of the occupiers directly opposite.

11. Turning to the effect on the street scene, the existing hoarding is seen against a commercial backdrop and while the nature of the display itself will change, this will not alter the character and appearance of the immediate area to the extent that it would result in material harm. Furthermore, the intensity of advertisements would be reduced significantly by the removal of six of the existing hoardings, thereby limiting the cumulative effects within the street scene. Any possible harmful cumulative effects of the two digital displays close to each other would be reduced by their orientation, facing in different directions.
12. I have had full regard to the suggested benefits of the proposal put forward by the appellant. While I give these some weight, they do not outweigh the harm resulting from the proposal as found above.
13. Accordingly, for the above reasons, I conclude that the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area, in particular on the living conditions of nearby residents. Consequently, the appeal should not succeed. I have taken into account Policies SP7 and DM15 of the adopted Local Plan 2017-2033, which include the requirement for development not to harm amenity and which, therefore, are material in this case. Given that I have concluded that the proposal would harmfully affect the visual amenity of the area, the proposal is contrary to these policies. The appellant contends that reference should have been made to development plan policies that support economic growth in sustainable locations. However, these policies provide insufficient basis to overcome the harm that has been found with regard to the particular circumstances of this proposal.
14. I have also had regard to the representations made by interested parties, although these do not raise any matters in addition to the main issue that would lead me to reach a different overall conclusion.
15. Therefore, for the reasons given, the appeal should not succeed.

J Bell-Williamson

INSPECTOR