



Appeal Decision

Site visit made on 27 June 2023

by **Peter D Biggers** BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/R3515/Z/23/3316835

**Land Adjacent California Social Club, 191-199 Foxhall Road, Ipswich
IP3 8LB.**

- 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 Ipswich Borough Council.
 - The application Ref IP/22/01041/ADV, dated 8 December 2022 was refused by notice dated 31 January 2023.
 - The advertisement proposed is new single illuminated 48 sheet digital advertising display.
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Decision

1. The appeal is allowed and express consent for a new single illuminated 48 sheet digital advertising display as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Advertisement Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "*The Brightness of Illuminated Advertisements*" (PLG05:2015).
 - 2) The advertisement hereby approved shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change without visual effects between advertisements. Each image shall be displayed for at least 10 seconds. There shall be no sequencing, fading, swiping or merging of images and it shall not display any animation, video, moving or flashing images. In the event of a fault the panel should be designed to default to a blank black screen.
 - 3) The digital display shall be switched off and not illuminated between the hours of 22.00 and 07.00.
 - 4) Notwithstanding the detail of the plans submitted with the application, the height from ground level to the lower edge of the display panel hereby granted express consent shall not exceed the height of the boundary fence to the railway line immediately behind the panel.

Main Issue

2. The Council raises no issue in respect of public safety and having assessed the proposal I have no reason to disagree. The main issue in this case is therefore the
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effect of the poster display board on the visual amenity of the surrounding area of Foxhall Road.

Reasons

3. The proposed 6 metre x 3 metre digital display panel, the subject of the appeal, would be sited on freestanding poles against the metal palisade boundary fence along the railway line immediately east of the car park adjacent to the California Social Club on Foxhall Road. The panel would face west towards the club and would be approximately 26 metres from the nearest residential properties on Tomline Road.
4. It has been put to me that the area around the appeal site has a distinct residential character. However, from the site visit I am not persuaded that this is the case. The north side of the road is dominated by the California Social Club and car park whilst the properties on the junction of Tomline Road and Foxhall Road are also in commercial use at street level. Moreover, heading east over the railway line the area changes to one much more dominated by industrial and commercial uses against which the display panel would be viewed. It is therefore more accurate to say that the site sits in an area of mixed commercial and residential use. Signage in the immediate area is limited to that on the social club and small scale signage related to the businesses at 1 Tomline Road and 218 Foxhall Road.
5. The character of the immediate locality in which the panel would sit is not one exhibiting special historic, architectural or cultural features but I have been referred to the fact that this part of Foxhall Road is a major route out of the town centre and forms a 'gateway' or 'threshold' to the California suburb in which the sign would be intrusive. The California Suburb has been studied as part of the *Ipswich Urban Characterisation Study* (IUCS) but having viewed this document I can see no formal identification of Foxhall Road as a 'gateway' and the road is instead described as a busy throughfare bisecting the pattern of 19th century residential streets. Whilst I acknowledge the objective of improving placemaking through the IUCS, particularly around the Derby Road and Foxhall Road junction, this is some distance from the proposed site for the display panel and on the other side of the railway. Moreover, the inward views into the California suburb at this point on Foxhall Road are currently dominated by views of the roof tops to the industrial units east of the railway and in that context the display panel would be at worst neutral in terms of its effect on visual amenity.
6. Nevertheless, considering the view eastwards from Foxhall Road approaching the sign, the foot of the sign would be above the boundary fence to the railway. This would unnecessarily increase the visual impact of the panel. There is no reason however why the base of the panel could not be set slightly lower, at the top of the fence which would still be perfectly visible from the road and would ensure the sign was below road level and set more against the tree screen along the railway helping to ensure it would not be overly prominent or intrusive. This adjustment could be achieved by an additional condition to those proposed to ensure the panel base is set no higher than the top of the boundary fence to the railway. As this was not a condition proposed by the Council or the appellant, I have consulted the parties on it. Both the appellant and the Council have indicated the additional condition would be acceptable in the event the appeal is allowed and consent granted.
7. The residential properties on the east side of Tomline Road are the closest to the proposed display panel. The rear elevations of these properties, particularly No 1A, face the panel and appear to include bedroom or at least windows to habitable

rooms. The distance to the panel would be such that the illuminated display could be intrusive during the night. However, the appellant has indicated that they would be content to accept a condition that the panel illumination is switched off overnight. The time period when it would be off was suggested to be 23.00-7.00. However, to coincide with the average bedtime in the UK of between 22.00 and 23.00 the appellant was consulted on a switch off period of 22.00 to 7.00 and has accepted this. This condition would avoid possible intrusion on the nearest habitable rooms from the illumination.

8. I have taken into account policy DM26 of the *Ipswich Local Plan* (ILP) which seeks to protect amenity and so is material in this case. Given that I have concluded the proposal would not harm amenity, the proposal would not conflict with this policy.

Conclusions

9. Accordingly, for the reasons given above and having regard to the matters raised I conclude that the advertising display panel would not be detrimental to the interests of amenity.
10. I do consider however that four conditions are necessary in addition to the standard conditions set out in the Regulations in the interests of safeguarding amenity. These are to avoid excessive luminance during the day, to avoid undue distraction from the display, to switch off the display overnight and to reduce the overall height by setting the panel lower. With these conditions imposed the appeal should be allowed and express consent granted for the advertising display.

P. D. Biggers

INSPECTOR