
Appeal Decision

Site visit made on 26 July 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/V2004/Z/23/3319287

10-14 Alfred Street, Kingston Upon Hull HU3 2DD

- 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 Mr Luke Campbell, Cool Hand Promotions against the decision of Kingston-upon-Hull City Council.
 - The application Ref: 22/00719/ADV, dated 15 June 2022, was refused by notice dated 15 February 2023.
 - The advertisement proposed is to display two LED billboard signs on a sculptural structure, in the north east corner of 10-12 Alfred Street.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address and the description of development in the banner heading above are taken from the application form. There is a difference in these details in relation to the site address. Nevertheless, the submitted plans clearly identify the appeal site and so I have proceeded on this basis.

Main Issues

3. The main issues are the effect of the proposal on (i) the amenity of the area; and (ii) public safety.

Reasons

Amenity

4. The appeal site comprises part of a yard area associated with a business which sells domestic sheds and outbuildings. Directly adjacent to where the proposal would be sited lies palisade fencing which secures the frontages of the business premises. This contains a number of signs, most of which advertise the business. Beyond, is a footway and then the A63. The area is predominantly commercial on this side of this road, including the use of the associated buildings. They contain a number of fairly low key signs which advertise these businesses. None constitute LED billboard signs.
5. The size and height of the proposed supporting structure and the displays would create an overly prominent feature in this location, in particular as it would be located in an open area adjacent to a busy, main route. It would be a considerably larger structure than what is currently found on the business

premises that would host it. It would also be too separate from the nearest buildings for it to appear anything other than dominant, irrespective of whether it would be deemed a slim and simplistic structure. Accordingly, the proposal would not relate well to the townscape qualities of this particular location. It is not therefore evident how these qualities have informed the proposal and how it would make a positive contribution.

6. The means of illumination associated with the digital nature of the proposed displays, even with them showing a series of static images, would be further at odds with its location. This would result in an obtrusive impact on the streetscene compared to the more low key advertisements. It would also exacerbate its presence, particularly with the visibility that would be afforded closest to the site. That it would be able to detect external lighting levels, incorporate automatic luminance adjustment and that it would adhere to the Institute of Lighting Professionals guidelines¹ would not satisfactorily address that it would detract from the visual amenity of the area.
7. The proposed spinnaker-like design of the supporting structure is not in itself a matter of dispute between the main parties, based on the evidence before me, and so I do not have cause to consider its amenity effect in this regard. Nor however does it favour the proposal because it lies in an area which is heavily characterised by industrial and commercial buildings and the A63, rather than a waterfront location.
8. I conclude that the proposal would have an unacceptable effect on the amenity of the area. As such, it would not comply with paragraph 136 of the National Planning Policy Framework (Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed. I have taken into account Policy 20 of the Council's Hull Local Plan 2016 to 2032 (2017) (Local Plan) which seeks to protect amenity and so is material in this case. Given that I have concluded that the proposal would harm amenity, it would conflict with this policy.

Public Safety

9. The A63 is a major thoroughfare into and out of the city. It forms part of the strategic road network and takes the form of a dual carriageway. It is heavily trafficked. The proposal would be located close to the western bound carriageway, where there is an off slip road which accesses a roundabout junction with the A63 raised above it. The off slip road accesses docks and a hospital, amongst other destinations, and is also well used as I observed on my site visit.
10. The proposal would be likely to create a distraction for road users. It is located at the part of the route where some westbound vehicles will be changing direction in order to use the slip road. The proposed display that would face westerly bound traffic would be close to the part of the carriageway where these manoeuvres would be taking place, separated by only the fence and the footway. It would therefore be in a prominent location as regards the vantage points of these road users, in particular as it would be elevated on the supporting structure.

¹ Institute of Lighting Professionals, PLG05 – The Brightness of Illuminated Advertisements 2015

11. The illumination related to this digital display would have the potential to catch the eye of road users and so when this is combined with its prominence and location, it would have the potential to lead to road safety issues, even with the controls that would be applied over the brightness and display. There would not be ample time for the proposed display to be assimilated without the potential for confusion or disturbance because of its proximity to the dual carriageway and the slip road.
12. I am less persuaded that such a concern would arise with the proposed display that would face in the opposite direction because it would be well separated from easterly bound traffic. Nevertheless, this does not address the harm that would arise in relation to the proposed display that would face traffic on the westbound carriageway. The same applies as regards as to whether such advertisements are a common sight, their use by highway authorities and industry research. None of this sets aside a particular consideration of the site and the road circumstances in assessing road safety, which in this case does not favour the proposal.
13. I conclude that the proposal would have an unacceptable effect on public safety. In coming to this conclusion, I have taken into account paragraph 136 of the Framework which states that advertisements should be subject to control in the interests of public safety, amongst other matters. I have also had regard to Policy 20 in as far as it considers public safety considerations.

Other Matters

14. The existing advertisement² that I have been referred to further along the A63 is too far away to have altered the character of the appeal site and its surroundings in order to appreciably justify the proposal. While it is also located on the edge of a commercial area, unlike the appeal site, it is contained within its own site because it is separated from these uses by an enclosed footpath.
15. As regards public safety, this existing advertisement is located near to the end of a long on slip road. By this time, most traffic has already joined the A63 and so it does not serve as a distraction to the same extent as would arise from the proposal. It is also less in the eyeline because it is not on the same side of the slip road as to where drivers join the A63 at this junction. In contrast, the proposal would be on the same side as drivers leaving the A63 on the off slip road and so would be in considerably greater view.
16. I am thus satisfied that the site circumstances are sufficiently different with regard to both amenity and public safety so as not to alter my conclusion. Alleged inconsistencies in the Council's approach to that advertisement and the proposal have been brought to my attention, but ultimately my consideration relates to the effect of the proposal itself.
17. The appellant has also referred me to other examples of signage elsewhere in the country. While the full circumstances are not before me, attempting to draw similarities on amenity and public safety where there are such broad geographical differences does not provide for compelling circumstances. Similarly, advertisement guidance on digital displays issued elsewhere in the

² The appellant has cited Council refs: 18/00850/FULL and 18/00851/ADV

country does not apply in this case. The appeal falls to be decided on the particular site circumstances.

18. A number of matters have been raised pertaining to the use of the latest outdoor advertising technology, as well as the purported environmental, social and economic benefits of the proposal. However, advertisements should be subject to control only in the interests of amenity and public safety. There is no indication in the Regulations, the Framework or the Planning Practice Guidance: Advertisements that any other factors can be taken into account.

Conclusion

19. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR