



Appeal Decision

Site visit made on 3 July 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/U4610/Z/23/3318363

Land at South Side of Gosford Street, Coventry CV1 5DL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Alight Media against the decision of the Coventry City Council.
 - The application Ref ADV/2022/3254, dated 10 November 2022, was refused by notice dated 9 February 2023.
 - The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the visual amenity of the area and on public safety.

Reasons for the Recommendation

Visual Amenity

4. The appeal site is the car park to a car repair and maintenance business. Gosford Road is a busy route into the city centre. To the east of the appeal site the area is mostly commercial and includes a range of fascia and freestanding signs, some of which are illuminated. Some of the commercial units to the east have student accommodation above, and to the north and west of the site are large buildings and a multi-storey car park.
 5. The proposed digital advertising screen would be erected at the edge of the car park and immediately adjacent to the entrance road for the multi-storey car park. It would be visible to drivers and pedestrians travelling in both directions along Gosford Street and Far Gosford Street, although the William Morris Building would screen much of the unit from those approaching from the west. The screen itself would only be on one side of the unit and would face to the east.
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6. The proposal would introduce a large, permanent, illuminated feature that would draw the eye and appear conspicuous in the context of the surrounding area where advertising displays are generally more discreet. Although the level of illumination could be limited by condition, the illuminated nature of the advertisement would only serve to highlight its unsympathetic scale and height, the visual impact of which would be exacerbated by its prominent location. The streetscape is varied and includes large, modern, functional commercial buildings. Nonetheless, the presence of such a large and prominent digitally illuminated display would not be sympathetic.
7. The site lies outside the Far Gosford Street Conservation Area (CA). The historic nature of the buildings and architectural interest, including timber-framed buildings, contribute positively to its significance. While the digital screen would be visible when looking out from the CA, the buildings immediately at the western edge of the CA are quite modern. As such, the digital screen would not have any significant impact on the CA. However, despite a partial backdrop of trees, the modernness of the screen would be significantly at odds with the historic and architectural significance of the locally listed William Morris Building adjacent to the site.
8. The appellant refers to a larger 96-sheet advertising unit that was previously in situ on the appeal site. However, the photograph provided is dated September 2008 and the 96-sheet hoarding had been removed prior to my site visit. Furthermore, no details of any advertisement or planning consents for the 96-sheet unit have been provided. I am therefore not persuaded that the previous advertising unit forms part of the current street scene or justifies the proposal.
9. My attention has also been drawn to other large advertisements in various locations. However, it is not clear whether these have been erected against a backdrop of a locally listed building. Furthermore, the advertisements in Liverpool and Stockport are located within conservation areas and the appellant states that these were found not to cause any harm thereto. Moreover, no substantive details of any consents for these advertisements have been provided. As such I cannot be certain that these other examples are directly comparable to the proposal before me. In any event, the presence of other advertisements in other cities or towns does not lead me to alter my conclusions on the harm that would be caused by the proposal as described above.
10. Consequently, due to its size, scale and positioning the proposal would appear as an incongruous addition, detracting from the character and appearance of the area and the setting of a locally listed building.
11. The Council has drawn my attention to Policy DE1 of the Coventry City Council Local Plan 2017 (LP) which seeks to protect visual amenity, and to LP Policy HE2 and Policy CC2 of the Coventry City Council City Centre Area Action Plan 2017 (CCAAP) which both seek to protect heritage assets including the setting of locally listed buildings. As I have concluded that the proposed advertisement would harm visual amenity and the setting of a locally listed building, it would not accord with these policies.

Public Safety

12. The proposed screen would be sited a short distance after a roundabout and immediately adjacent to a zebra crossing. The Planning Practice Guidance

(PPG) states that advertisements are intended to attract attention but such at points where drivers need to take more care are more likely to affect public safety. The cited examples include at junctions and pedestrian crossings¹.

13. During my site visit, the roundabout and the roads leading into it were fairly busy, and a number of people also used the zebra crossing. This level of activity requires the concentration of drivers, pedestrians and cyclists to be maintained. In that context, the proximity of the digital screen to the road and pedestrian crossing, together with its prominence and frequently changing display, would divert the attention of road users even momentarily. It would distract exactly at the point where full concentration on the road ahead is required even from drivers and cyclists that are taking reasonable care of their own and others' safety.
14. The appellant has suggested a range of conditions to control how often the images change and to ensure that there are no moving images or effects. However, given the position of the screen close to the road and in relation to the roundabout and zebra crossing, these conditions would not mitigate the distraction to road users.
15. The example advertisements in Derby and Birmingham are situated adjacent to traffic signal controlled junctions or roundabouts, which is not the case in the appeal before me, and the advertisements do not appear to be next to a zebra crossing. Furthermore, the digital screens used to convey messages to motorists on the motorway network are significantly different in nature to a digital advertisement unit, while the context of the appeal site is vastly different to a motorway. As such these examples are not directly comparable to the proposal before me and do not justify the proposed digital screen. The proposed screen would therefore have a detrimental effect on public safety.
16. The Council has drawn my attention to LP Policy AC2, which requires the mitigation of any negative impact on the safety of the highway network that would be caused by a development proposal. As I have concluded that the proposed advertisements would harm public safety, it therefore would conflict with this policy. The Decision Notice also refers to LP Policy AC1, which has regard to the accessible transport network and development proposals which are expected to generate additional trips on the transport network. This is not the case in the proposal before me and as such Policy AC1 does not apply.

Other Matters

17. The appellant has suggested that the proposal would result in a number of benefits, including reductions in energy consumption and pollution, and fewer visits to the site for maintenance the use of sustainable energy. However, PPG states that the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

Conclusion and Recommendation

18. For the reasons given above, the proposed digital advertisement would cause harm to the visual amenity of the area and to public safety, contrary to the Regulations. I therefore recommend that the appeal is dismissed.

¹ Paragraph: 067 Reference ID: 18b-067-20140306

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

John Morrison

INSPECTOR