



Appeal Decision

Site visit made on 15 August 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18th September 2023

Appeal Ref: APP/R3515/Z/23/3318938

Land adjacent to The Railway Public House, Foxhall Road, Ipswich IP3 8LG

- 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 Estates Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/22/01004/ADV, dated 29 November 2022, was refused by notice dated 26 January 2023.
 - The advertisement proposed is the erection of 1 no. digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed digital advertisement display on amenity and public safety.

Reasons

Amenity

3. The single advertisement display would be sited adjacent to the Railway Public House, a locally listed building, (the Railway PH) located in a prominent corner plot at the junction of Foxhall Road and Cauldwell Hall Road. The area, which is within the California Character Area as identified by the Ipswich Urban Character Study Supplemental Planning Document, (the Study), is characterised by a mixture of commercial and residential uses. The Railway PH itself is identified within the Study as a prominent landmark and focal point amongst the 19th century residential streets. There is a generally open aspect found on the eastern side of the Foxhall Road, Cauldwell Hall Road and Derby Road junction (the junction) which when approaching this area ensures the focus is retained on the Railway PH.
4. There is no history before me of any advertising displays/hoardings on this site and the proposal would introduce a new large advertisement feature within the streetscene. Advertising displays within the area as a whole are already a common feature. There is a substantial amount of smaller advertisement display/signage when approaching the appeal site along Foxhall Road and Derby Road, predominantly advertising the uses to which they are related. At the junction itself, advertisements can be seen on fascia/window signage. However the former are not predominantly read in closer views of the junction

itself and the latter differ from that proposed in that they are smaller in scale, limited to simple fascia naming signage and are not illuminated. Rather than being dominated by large advertising displays, in the immediate area where the appeal site is located, the prominent features are the Railway PH and traffic infrastructure.

5. Paragraph 136 of the National Planning Policy Framework (the Framework) advises that the quality and character of places can suffer when advertisements are poorly sited and designed. In this instance the appeal proposal would introduce a large illuminated advertisement sign, which would partly fill the visual gap and would accordingly dominate the area around the junction. The advertisement display would mimic a "paper and paste" advertisement board and levels of luminance would be set accordingly. However, the height, scale and nature of the proposed advertisement display would reduce the openness found in this location and would stand out from the other more modest advertisements found in the area. Further, notwithstanding its street-lit setting and luminance controls, its visual prominence would be highlighted by the intermittent changing of the illuminated display.
6. Whilst the proposed advertisement display would not face the Railway PH itself, conflict with its use or be a source of light spill in its direction, its height and scale would nonetheless be seen in most views of the building from both Foxhall Road and Derby Road. As such, it would detract from the prominence of the Railway PH and its immediate location. I appreciate that these types of advertisement displays are common within areas of mixed use, such as the appeal site. However in the context of its surroundings it would appear obtrusive and unduly prominent.
7. The site lies adjacent and opposite to residential properties on Cauldwell Hall Road and I note that the Council do not raise specific concerns about the impact on the amenity of the occupiers of these residential properties. Given that the display would face away from the nearest residential properties, I would agree with this assessment.
8. Overall, I therefore conclude that the proposed advertisement display would be detrimental to visual amenity. The Regulations¹ require that decisions are made in the interests of amenity and public safety. I have taken account of Policies DM12, DM13 and DM26 of the Ipswich Borough Council Core Strategy and Policies Development Plan Document Review 2022 (DPD Review). Given that I have concluded that the proposed advertisement display would be detrimental to visual amenity, the proposal would conflict with these policies insofar as they seek to protect amenity.

Public Safety

9. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. This includes, for example, at junctions, roundabouts and pedestrian crossings. The PPG advises that there are less likely to be road safety problems if the advertisement is on a site within a commercial area. However, the PPG also lists the main types of advertisements which may cause danger to road users, which include, amongst other matters, those which because of their size and

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

- siting would obstruct or confuse a road users view or reduce the clarity or effectiveness of a traffic sign or signal.
10. The proposed advertisement display would be close to a traffic light signalised junction. Further, all four of the roads leading to the junction have signalled controlled pedestrian crossings and cycle paths join the main carriageway at these locations. Accident data in this location indicates that the junction has been the location for a low number of "slight" accidents as has Foxhall Road further away from the junction. During my mid morning site visit, the junction and the roads leading to it had a steady flow of traffic and a number of people used the dedicated pedestrian crossings.
 11. The advertisement display would be prominent to road users when they approach the junction along Foxhall Road from the west and Derby Road from the south. Whilst the volume of traffic may at times be slowing down or stationary, drivers and cyclists approaching the junction would require a high degree of attention to safely navigate it. The prominence of the advertisement, with a changing display, in combination with its siting close to the traffic light controlled junction would be distracting to drivers and cyclists on the highway. I accept that due to traffic speeds, and stationary periods, the image may change only the once during the time the advertisement is visible to a driver or cyclist. However, the advertisement display would have the potential, at a time when full concentration is required, to confuse the observation of the traffic lights against its backdrop so distracting a driver or cyclist and reducing the time to assess possible risks. This would be particularly the case on the approach along Foxhall Road where the advertisement display would be sited directly behind the traffic light. Therefore, in my view the advertisement display would have the potential to cause a significant risk to other road users and pedestrians, to the detriment of highway and pedestrian safety.
 12. I appreciate that the luminance can be controlled automatically to react to day and night light conditions and that conditions can be imposed to ensure that this level remains within acceptable guidelines and local circumstances. I note too the intention to limit luminance levels of the display at night times to a figure of 100cd/m², and that light spill can be controlled. I also acknowledge that motorists and cyclists should be exercising due care and attention and respond appropriately to road conditions and potential hazards and that accident data figures are low in this area. I take all these mitigating factors into account, but I am not convinced that they would prevent the potential for the visual dominance of the display to draw the eyes of drivers and cyclists so distracting their attention at a busy road junction.
 13. Therefore, I conclude that the position and type of the proposed advertisement display would be harmful to public safety as it relates to highway safety and pedestrians. Whilst I have had regard to the suggested conditions these would not over-come the harm I have identified.
 14. The Council refer to Policies DM12, 21 and 26 in the DPD review within the reasons for refusal. In accordance with the Regulations, I have taken these into account as far as they are relevant in relation to public safety. Given that I have concluded that the proposed advertisement display would be detrimental to public safety, the proposal would conflict with these policies.

Other Matters

15. I have considered the other matters raised by the appellant in relation to the general benefits of digital technology compared to the traditional billboard displays, and that the advertisement display may bring benefits in terms of opportunities for their use in public announcements and non-commercial purposes. However these matters are not determinative in this appeal and do not outweigh the harm I have identified in relation to amenity and public safety.

Conclusion

16. I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety. Therefore for the reasons above and having regard to all other matters raised I dismiss the appeal.

K Winnard

INSPECTOR