



Appeal Decision

Site visit made on 4 September 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/P1750/Z/23/3321264

Gable at the Empire, High St, Aldershot GU11 1DJ

- 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 Ltd against the decision of Rushmoor Borough Council.
 - The application Ref 23/00073/ADVPP, dated 5 December 2022, was refused by notice dated 14 April 2023.
 - The development proposed is: New single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the new single illuminated 48-sheet digital advertisement display, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The development hereby permitted shall be carried out and thereafter maintained, in accordance with the following approved plans: T4775 050 Rev B Location Plan, T4775 051 Rev A Site Plan Existing and Proposed, T4775 060 Existing and Proposed elevations, T4775 061 Proposed Specification.
 - 2) Prior to the installation of the development hereby permitted, a statement outlining the method for fixing the sign to the building shall be submitted to and agreed in writing by the Local Planning Authority. The installation shall take place in accordance with the approved details and shall thereafter be maintained as such.
 - 3) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 cd/m² between dusk and dawn, and no greater than 600 cd/m² at any other time.
 - 4) There shall be no flashing imagery in the display at any time. No individual advertisement on the digital screen shall contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signs.
 - 5) The approved display should contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
 - 6) There shall be a smooth uninterrupted transition from one static image to another with no sequencing, fading, swiping or merging of images. No individual advertisement shall be displayed for a duration of less than 10 seconds.

Main Issue

2. The main issue is the effect of the advertisement on amenity, including with regard to its effect on the character and appearance of the nearby Aldershot West Conservation Area (CA).

Reasons

3. The appeal site comprises a rectangular locally listed building and is located between the High Street and Wellington Avenue, which are both main roads. The building's interest lies in its internal and external architecture which provide a good example of a 1930s cinema building. It is relevant to consider the contribution the locally listed building makes to the general characteristics of the area¹ in terms of amenity.
4. The site lies in close proximity to the Aldershot West Conservation Area. Its significance derives from its architecture and character and the illustration they provide of Aldershot during the early twentieth century. The area is of a mixed use including both residential and commercial development.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'.
6. The appeal property is substantial in size and as such, although the proposed advertisement display is large, it would appear proportionate in scale to the host building. The proposed siting of the display would avoid obscuring any key architectural features on the western side of the building, such as the decorative window frames, banding and building name. The rectangular shape of the display would complement the rectangular form of the host building. Given these factors, the display would not appear unduly dominant.
7. There is an existing building name lettering on the side of the building, there are no other advertisements on this part of the appeal site. The relevant elevation of the appeal building faces an open surface car park and is well separated from the shop frontages and associated signage on Wellington Avenue. The addition of the proposed display would not therefore result in a proliferation of adverts.
8. The display would introduce illumination onto a building façade where there are no other illuminated advertisements. The level of illumination would be relatively low and the appellant has proposed a number of conditions to control this. Given the commercial uses within the area, together with the proximity of the site to two main roads, the area is generally well lit, as such having regard to the low level of illumination proposed, it would blend in with this character.
9. Although the display is notably contemporary in appearance rather than reflecting 1930s architecture, it is well proportioned relative to the host dwelling such that it would not unduly detract from the buildings architecture or character. The proposal would not therefore result in harm to the significance of the locally listed building.

¹ Regulation 3 (2) (a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

10. The CA contains a number of commercial buildings and advertisements, which are commonplace. There are also a range of commercial buildings which separate the appeal site from the CA. I found during my site visit that views of the appeal building from the CA were very limited, and where views do exist views of the sign itself would be restricted by intervening built form. Given these factors, and as I have found the proposal acceptable in terms of its effect upon the host building and immediate surroundings, it follows that no harm would occur to the setting of the CA.
11. Whilst I note that details of an approval for a similar advertisement in Blackpool have been submitted, that is an entirely different location and context to the appeal scheme which I have considered on its own merits.
12. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. This includes having regard to Policies SP1, DE1 and DE9 of the Rushmoor Local Plan (2014-2032) (LP) and guidance within the Aldershot Prospectus SPD (2016) which taken together, and amongst other matters, seek to support good design which respects the character and appearance of the local area, and avoiding harm from advertisements to amenity. In addition, Policies HE1, HE3 of the LP and the guidance within the Locally Listed Heritage Assets SPD (2020) seek to protect heritage assets (designated and undesignated) from development, including advertisements.
13. Having regard to the above, the proposal would be acceptable in terms of its effect upon the amenity of the area, including with regard to its effect on the character and appearance of the nearby Aldershot West Conservation Area (CA).

Conditions

14. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. A plan numbers condition is required in the interests of certainty. A condition limiting the luminance of the advertisement in accordance with the submitted specification is necessary in the interests of amenity and public safety, I have amended this condition from the Council's suggested wording in order to require lower luminance levels during hours of darkness, this reflects the proximity of residential properties. The conditions that would control the sequencing of advertisements and the prevention of special effects are necessary to prevent drivers from being distracted by the displays, in the interests of public safety. I have made minor revisions to the wording of the installation mechanism condition as well as the luminance levels condition, to ensure that they are sufficiently precise.
15. The Council latterly suggested a further condition, requiring the advertisement to be switched off between the hours of 2300 – 0700 7 days a week in order to protect the amenities of neighbouring occupiers. However, based on the separation distances to the nearest residential dwellings, I find that the luminance levels condition would provide sufficient protection without the advertisement being switched off overnight.

Conclusion

16. For the above reasons, and taking all relevant matters into account, I conclude that the appeal should be allowed, subject to conditions.

R. Lawrence

INSPECTOR