



Appeal Decision

Site visit made on 12 September 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/Y3940/Z/23/3318796

117 Wilton Road, Salisbury, Wiltshire SP2 7HY

- 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 Wiltshire Council.
 - The application Ref PL/2022/09282, dated 4 November 2022, was refused by notice dated 31 January 2023.
 - The advertisement proposed is the removal of an existing 48 sheet poster display and replacement with wall mounted digital advertisement.
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Decision

1. The appeal is allowed and express consent is granted for the removal of an existing 48 sheet poster display and replacement with wall mounted digital advertisement 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 attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed signs on the visual amenity of the area.

Reasons

3. Powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety. In my determination of the appeal, the Council's policies have not therefore, by themselves, been decisive.
4. 117 Wilton Road is a detached residential property situated next to a row of dwellings. It is adjacent to the junction of Wilton Road and Gorrington Road. Wilton Road is one of the main roads into Salisbury and is made up of residential properties with commercial premises punctuated along its length. Commercial signage is present in various forms along the street, and they make up part of the character of the area.
5. A 48 sheet poster display is attached to the gable end of the dwelling that faces over Gorrington Road on to a petrol station. The Council have confirmed that there is no consent in place for this poster display, although it is noted that it has been present since at least 2008. They have also concurred with the appellant that the existing signage now benefits from deemed consent due to the passage of time that it has been in situ. It has an existing impact on the visual amenity of the area that I shall take into account when determining this appeal.

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

6. The existing poster display is a prominent presence within this urban environment and the proposed digital advertisement would be of a similar size, with improvements in terms of the thickness of the frame and the display itself. Additionally, the current poster display is offset on the wall and overhangs the rear corner of the host building. The proposed replacement advertisement would be kept within the confines of the gable end.
7. The proposed digital display would not overly commercialise the character and appearance of the area due to the presence of the existing signage at the site and its orientation facing over a petrol station with its own signage, including a totem advertising fuel prices. Furthermore, the totem, together with planting and numerous street lights, would help visually break up the proposed signage when seen from further back along Wilton Road.
8. The proposed digital advertisement would not be significantly different from the existing poster display in terms of its impact on visual amenity. I acknowledge that the existing signage is not illuminated, but a condition can be attached to restrict the digital display to a low level of luminance. Additionally, a condition setting the parameters for the images displayed on the digital advertisement can be attached to prevent visual harm resulting from eye catching moving images and overly elaborate transitions between images.
9. I therefore conclude that the proposal would not harm the visual amenity of the area. Consequently, the proposal complies with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015), and Paragraph 136 of the National Planning Policy Framework.

Conditions

10. In addition to the five standard conditions, I have also imposed the conditions set out by the Council to require a cut out in the event of malfunction, to control the frequency of image change, ensure that images remain static and to control the level of luminance. They are necessary to safeguard public safety and protect visual amenity. The wording of the conditions have been amended so that they are precise.
11. The appellant has offered a significantly lower level of luminance than the Council suggested for periods between dusk and dawn. I have taken the level of luminance offered by the appellant as it would ensure a greater protection of visual amenity. I have also included a restriction on the daylight luminance levels in the interest of protecting visual amenity. The levels of luminance shall be measured and implemented through the use of light sensors.
12. I have also imposed a condition requiring the digital display to be switched off between midnight and 6am. This was also offered by the appellant, and I consider that such a condition is necessary to ensure that there is a dark night environment akin to that created by the existing non-illuminated signage at the site.
13. The Council have suggested a condition that would require the submission and approval of a construction management plan. The reason given for the condition is in the interests of the safe and efficient operation of the A36 trunk road. The appellant submits that they have carried out many installations of this type without such a condition being attached to the express consent. I

acknowledge this but I have not been provided with details on those installations, including whether they were close to a trunk road.

14. The appellant also asserts that a traffic management plan would be required anyway under the Traffic Management Act 2004 and regulated by the Traffic Management Permit Scheme (England) Regulations 2007. Again, this is noted, but a permit granted under the above Regulations is potentially limited in terms of its conditions and may not encompass all the details that would be required as part of the construction management plan suggested by the Council. Additionally, I have had regard to the layout of the roads around the site. Gorrington Road is a one-way road, which is limited in terms of space directly outside the site for the works, parking contractors' vehicles and unloading and loading. The section of Wilton Road outside the site is a wider road but is also limited in terms of available areas for parking vehicles and unloading and loading when having regard to parking restrictions. I consider that the condition is necessary to prevent the safe and efficient operation of the A36. Furthermore, the condition is relevant to public safety, which is one of the considerations for an advertisement application.
15. The condition suggested by the Council that seeks to prevent any source of light being visible from the public highway would not meet the test for reasonableness as the proposed digital display itself would be seen from the road and therefore it be difficult to prevent any source of light from being visible.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I find that the proposal would not harm the visual amenity of the area. Accordingly, I conclude the appeal should be allowed and express consent granted subject to the further specified conditions.

K Reeves

INSPECTOR

Schedule of Conditions

- 1) Prior to the commencement of works to remove the existing static poster display and the installation of the advertisement display hereby consented, a construction management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include as a minimum: details of the method of working and associated risk assessment; parking for contractors' vehicles; arrangements for the loading and off-loading of materials; details of any traffic management measures necessary to protect trunk road and footpath users. All works shall be undertaken in accordance with the agreed plan.
- 2) The maximum level of luminance shall be no more than 100 cd/m² during hours of darkness (dusk until dawn). In daylight hours, the level of luminance shall at all times be no greater than the recommended maximum daytime luminance values set out in the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m². The level of luminance of the advertisement display shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within the limits set by this condition.
- 3) The advertisement display shall 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.
- 4) The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
- 5) No individual advertisement shall be displayed for a duration of less than 10 seconds and the transition between advertisement images shall take place over a period no greater than one second with no visual effects (including fading, swiping or other animated transition methods).
- 6) The advertisement display shall be turned off between midnight and 6am with no images shown during this period of time on any day.