



Appeal Decision

Site visit made on 8 January 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31.01.2024

Appeal Ref: APP/U4610/Z/23/3328857

471 Stoney Stanton Road, Coventry CV6 5EA

- 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 Limited against the decision of Coventry City Council.
 - The application Ref PL/2023/0001209/ADV, dated 13 June 2023, was refused by notice dated 8 August 2023.
 - The advertisement proposed development is upgrade of existing 48 sheet advert to support digital poster.
-

Decision

1. The appeal is allowed and express consent is granted for upgrade of existing 48 sheet advert to support digital poster at 471 Stoney Stanton Road Coventry CV6 5EA in accordance with the terms of application ref: PL/2023/0001209/ADV dated 13 June 2023. The consent is for five years from the date of this decision and subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 100cd/m² in the hours of darkness. During daylight the luminance shall be controlled by sensors and / or timers to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institute of Lighting Professionals in the Professional Lighting Guide (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).
 - 2) The advertisement display shall be subject to a curfew to the extent that it shall be turned off and shall not be operational between the hours of 23.00 hours and 06.00 hours the following day.
 - 3) The minimum display time for each advertisement shall be no less than 10 seconds.
 - 4) Changes between advertisements shall take place instantly with fade effect and no other sequencing, fading, swiping or merging effects.
 - 5) No individual advertisement displayed shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs or traffic signals.

- 6) The advertisement display shall at all times contain a feature that will turn off the display (showing a black / blank screen) in the event of malfunction or error.

Procedural Matter

2. The Council has cited Policy DE1 of the Coventry Local Plan (2017) (CLP) and the National Planning Policy Framework (the Framework) in its decision notice. However, the control of advertisements is exercisable only with respect to public safety and amenity and consequently, whilst they are material considerations, they are not decisive in the determination of this appeal.

Main Issue

3. The main issue is the impact on amenity.

Reasons

4. The appeal site comprises an end of terrace property which fronts Stoney Stanton Road, a busy main road, at its junction with Bright Street, a quieter residential street. The area is of mixed character and use, including older terraced two storey housing, modern flatted development and large commercial / industrial premises. The appeal property is a retail unit on the ground floor, currently used as a chemist.
5. A large 48 sheet advert extends across much of the first floor part of the north facing flank elevation of the property, which abuts directly onto Bright Street. It is positioned almost right up to the front elevation of the building and the top corner extends just above the roof slope of the dwelling on the front elevation. This advertisement can be prominently seen within the street scene in approaches from the north along Stoney Stanton Road as a result of its height above ground level and due to the set-back position of the residential property to the north on the other corner of Bright Street, No. 473 Stoney Stanton Road. It is also a prominent feature in the street scene of Bright Road given its elevated position abutting the back edge of pavement.
6. The proposal would involve upgrading the existing sign to a digital display. It would be in the same position and of the same size as the existing display. The digital display would be illuminated and the Appellant confirms that it is usual for such signs to operate with a system of threshold controls, timers and light sensors to ensure that the luminance never exceeds the Institute of Lighting Professionals (ILP) guideline figure at night time, with lower thresholds set on more sensitive sites.
7. The existing sign appears quite large and the top corner of the proposed display would extend marginally above the lower front roofslope, as the existing advert does, but this does not currently appear as a significant detracting feature in the street scene. In addition, it is sited up to the edge of the small first floor window located towards the rear of the flank elevation, but does not appear to actually cover any part of it. The proposal would replicate this position and there would be no change in this respect. The Council sought a reduced size sign but this was rejected as unviable by the Appellant. Whilst a smaller sign might sit more comfortably against the flank gable wall of the building on the appeal site, having regard to the size and position of the existing sign, the size and position of the replacement would not be unacceptable.

8. The change to an illuminated digital display would however be noticeable within both the immediate and wider street scenes. The appeal site lies on the boundary of a more 'sensitive' residential area, but with suitable controls, I do not consider that such a change would necessarily be harmful and the upgrading of the advert would result in an enhancement to its general appearance. The nearest residential property, No. 273, has some ground floor windows facing towards the appeal site, screened to an extent by the existing boundary wall and fence. However, with suitable controls over the level of illuminance, hours of display and effects, the impact would be acceptable.
9. The Appellant has referred to other digital displays permitted by the Council which currently exist, in particular at nos. 619 and 643 Stoney Stanton Road. These are some distance from the appeal site and their context is more commercial in character. However, whilst the position of the signs at the upper level of the flank elevation of end of terraced properties is slightly different, their visibility within the wider street scene is not dissimilar and provides some comparable features.
10. The Appellant contends that a number of benefits arise from digital advertising, including reduction in waste compared to poster production, and greater flexibility in terms of advertising displays including emergency messaging. I agree and consider that they add some limited positive weight in support of the proposal.
11. Overall, having regard to all the above factors, I find that the proposal would not have an unacceptably harmful effect on amenity. As a result, there would be no conflict with Policy DE1 of the CLP which seeks to ensure that the character of an area is respected. There would also be no conflict with the Framework which seeks to ensure that advertisements are not poorly sited and designed.
12. The Council has not raised any concerns in respect of public safety and I note that the highway authority has no objection. I see no reason to disagree.

Conclusions

13. In addition to the standard conditions, both the Council and the Appellant have suggested conditions to control the intensity of illumination, and the nature and frequency of the content to be displayed which I agree are necessary in the interests of safeguarding existing levels of amenity and public safety. The Appellant suggests two further conditions, one for a curfew during the hours of 23.00 hrs and 06.00 hrs the following day and a minimum display time for each advertisement as well as a lower level of illumination during darkness hours. I agree that these are necessary in the interests of amenity and given the proximity of residential properties.
14. I therefore conclude that this appeal should be allowed and advertisement consent granted.

P B Jarvis

INSPECTOR