



Appeal Decision

Site visit made on 17 April 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/X3540/Z/23/3332266

North Quay Retail Park, Peto Way, Lowestoft, NR32 2ED

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of East Suffolk Council.
 - The application Ref is DC/23/3013/ADI.
 - The advertisement proposed is a new digital poster display.
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Decision

1. The appeal is dismissed.

Main Issue

2. Advertisements are subject to control in the interests of amenity and public safety only. No objections have been raised regarding public safety. The main issue is therefore the effect of the proposal on amenity.

Reasons

3. The site is in a suburban area comprising a mixture of commercial and residential uses. Whilst there are other advertisements displayed in this area, these are primarily shop signs, which are attached to buildings, and totem signs located adjacent to the entrance and car park areas of the associated retail premises.
4. The proposed advertisement would be located to the rear of a large block of retail units and associated service yard areas, with dwellings and gardens to the east and north-east. The retail development, which is on higher level ground than the adjacent road and dwellings, is set back from the highway, beyond pedestrian and cycleways, and soft landscaping areas. Additional landscaping works have recently been undertaken adjacent to the site, in connection with road layout changes linked to the new Gull Wing Bridge. The low-level service yards, gardens and landscaped areas, provide a break between the large-scale commercial buildings and the much smaller scale houses.
5. Notwithstanding the presence of the large retail development to the west, the proposed advertisement would also be viewed in context with, and appear closer to, the houses on Eastern Way and Rotterdam Road to the east. The bottom of the proposed digital display would be 1.5 metres above the ground, and the top of it would be at least 2.0 metres higher than the top of the existing fence. This, taken together with the raised ground level of the site,

would result in the top of the advertisement being similar in height to the adjacent dwellings.

6. Although the advertisement would not directly face any dwellings or their gardens, due to its position, set back beyond the southern boundary of 17 Rotterdam Road, and its oblique angle, it would be visually obtrusive in views from this property. Whilst it would not address my overall concerns, and I accept that the area is already likely to be well lit by streetlights and lighting to the service yard areas, I have not been advised that the illumination of the advertisement would be dimmed below regulatory standards or turned off between any particular hours.
7. I therefore conclude that the proposed advertisement, due to its height, scale, elevated position and siting, would be an overly dominant feature, which would appear out of scale with the adjacent houses and incongruous in this relatively open, landscaped and residential setting. It would also be over dominant when viewed from the rear windows and garden of 17 Rotterdam Road, particularly in the hours of darkness, when the illumination would be more obvious. Consequently, it would be harmful to the amenity of the area despite the presence of a large commercial development to the west.
8. As Policy WLP8.29 of the East Suffolk Council Waveney Local Plan (March 2019) relates to the design of development proposals, and advertisements are not development, this has not influenced my decision.

Other Matters

9. My attention has been drawn to a large advertisement on the opposite side of the road to the site. However, that is a smaller, un-illuminated advertisement, on a different site, on lower-level land, and further away from residential properties. It is not directly comparable to the advertisement before me and consequently I give this very little weight.
10. I also acknowledge the benefits of digital displays, which include amongst other things, consolidating the number of displays, reducing vehicle trips to repost adverts, eradicating the need to print posters and reducing associated waste and the ability to broadcast public messages. However, the proposal before me does not replace an existing paper and paste board, or any other existing form of advertisement. As such, the benefits do not outweigh my concerns regarding amenity.

Conclusion

11. For the reasons given above I conclude that the display of the advertisement would be detrimental to the amenity of the area and accordingly the appeal is dismissed.

R. Bartlett

INSPECTOR