

Appeal Decision

Site visit made on 26 April 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16TH May 2024

Appeal Ref: APP/C4615/Z/24/3336900

40 Dudley Road, Stourbridge, DY9 8EE

- 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 against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P23/1134, dated 21 August 2023, was refused by notice dated 23 November 2023.
 - The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal comprises a digital advertisement that would display multiple static advertisements on rotation.

Main Issues

3. The main issues in this case are the effect of the proposed advertisement on visual amenity; and its effect on public safety.

Reasons

Visual Amenity

4. The appeal site is located alongside Dudley Road, close to and along the same side of the road as Dudley Road's junction with Bolt Lane. It is located in a mixed use area including commercial, industrial and office buildings and a nearby petrol filling station.
 5. The presence of roadside grass verges and trees provides for a sense of greenery. There are also distant views in a northerly direction, as Dudley Road drops in height, providing views of more trees and greenery and adding to a sense of spaciousness.
 6. The appeal site is situated next to Number 40 Dudley Road, a locally listed building. No 40 is a detached two storey 19th Century property, previously a shop and now described as a hot food take-away.
 7. During my site visit, I observed No 40 to comprise an architecturally interesting period property, with a distinctive slate roof and brick chimney, a narrow
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corner-facing façade to its entrance and ornate decorative lintels and corner brickwork.

8. The proposed advertisement would face south along Dudley Road. During my site visit, I observed that, as one travels northwards along Dudley Road towards the appeal site, no large digital advertisements similar to that proposed can be seen. Further, despite being largely commercial in nature, I also noted that signage in the area is largely limited to unlit and externally lit signs, which appear relatively small or modest in size.
9. The proposal's large size and changing digital advertisements would contrast significantly with the identified character of the area. Consequently, it would fail to appear in harmony with its surroundings and would result in the proposed advertisement drawing undue attention to itself as an incongruous feature.
10. In addition to the above, the proposal would be positioned such that it would appear directly in front of No 40 Dudley Road to anyone travelling in a northerly direction. I find that this, together with the proposed advertisement's size and changing digital display, would result in it drawing the eye and appearing as an unduly dominant feature as one travels northwards along Dudley Road.
11. These factors would detract significantly from existing views to and appreciation of a locally listed building's qualities and would also be to the detriment of the area's green and spacious character.
12. Taking all of the above into account, I find that the proposed advertisement would be detrimental to visual amenity. It would be contrary to the Framework and to Development Strategy¹ Policy D12, which together amongst other things, seek to protect local character.

Public Safety

13. The proposal would introduce a digital advertisement with frequently changing images in very close proximity to a junction. I find that this factor, combined with the prominent siting, height, scale and incongruous appearance of the proposed advertisement, would result in it drawing the undue attention of road users as they travel along Dudley Road, a busy highway, in a northerly direction.
14. Given this, I find that the proposal would run the risk of causing a significant distraction to drivers and thus introducing a risk to highway safety close to a junction where vehicles may be seeking to enter/exit and also, close to a take-away and to commercial uses. whereby pedestrians may be looking to cross Dudley Road and Bolt Lane.
15. Consequently, I find that the proposed advertisement would be detrimental to public safety. This would be contrary to the Framework and to Development Strategy Policy D12, which together amongst other things, seek to provide for public safety.

Other Matters

16. In support of the proposal, the appellant refers to other advertisements elsewhere. However, there is nothing before me to demonstrate that the circumstances relating to these other advertisements are so similar to the proposal before me as to provide for direct comparison. Notwithstanding this, I

¹ Dudley Borough Development Strategy (2017).

have found above that the proposal would be detrimental to visual amenity and to public safety and these are not matters mitigated by the presence of other advertisements elsewhere.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR