



Appeal Decision

Site visit made on 30 April 2024

by Rebecca McAndrew, BA Hons, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2024

Appeal Ref: APP/D1835/Z/24/3337210

2 Broadway Grove, Worcestershire, Worcester WR2 5EU

- 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 Mr Paul Hardy against the decision of Worcester City Council.
 - The application Ref 23/00868/ADV, dated 20 October 2023, was refused by notice dated 27 November 2023.
 - The advertisement proposed is the installation of a 1 x 48 sheet free-standing LED illuminated advertising display panel (measuring 6.2 metres wide x 3.2 metres high and comprising pressed metal frame and sealed LED screen).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the Council's reason for refusal refers to Policy 21 of the South Worcestershire Development Plan (2016) (SWDP) this is a material consideration, rather than being decisive in the determination of this appeal.

Main Issues

3. The main issues are;
 - The effect of the advertisement display on amenity, including the character and appearance of the area and the living conditions of nearby residents; and
 - The effect of the advertisement on public safety.

Reasons

Amenity

4. The proposed advert would sit in a prominent position adjacent to the A44 Bromyard Road and close to the signal-controlled junction with Broadway Grove. It would stand alone in a carpark, set away from buildings and other structures, including an electric pylon, with a backdrop of green space and trees. In view of this, as well as its size and proposed illumination, it would fail to assimilate with its surroundings. As such, the advert would be an obtrusive feature within the streetscene.

5. I note the appellant's comments that there is an electric pylon nearby. However, whilst this is large, it differs from the proposed advert as it is set away from the highway and is a static structure. Therefore, unlike the advert, this structure sits comfortably within the area.
6. I recognise that the level of illuminance of the advert could be controlled. Nonetheless, this would do little to mitigate the impact on the visual amenity that I have identified. I therefore attach limited weight to this in support of allowing the appeal. The advertisement would unduly harm the character and appearance of the area.
7. I note the Council's concerns regarding the potential for the illuminated advert to disturb local residents, particularly at night. However, the advertisement would be a good distance away from residential properties on Broadway Grove and Grove Crescent. It is not clear if there is a residential unit above the adjacent chip shop. But if there is, occupiers would have oblique, rather than direct, views of the proposed advert.
8. The appellant advises that the proposed use of LED illumination would reduce glare and that light sensors would adjust the level of luminance according to light conditions. I am therefore satisfied the display would not be so bright that it disturbs local residents at night. Taking all of this into account, the proposed advert would be unlikely to harm the living conditions of local occupiers.
9. I have concluded that the proposed advertisement would not harm the living conditions of local residents. However, my conclusion with regard to the harm to the character and appearance of the area is a significant and overriding objection which must be decisive. Therefore, overall, the proposals would unacceptably harm the amenity.

Public Safety

10. The A44 is a busy route into the centre of Worcester. As I have described, the sign would occupy a prominent position to the side of this highway and close to the signal-controlled junction. I acknowledge that there is currently a very low vehicle accident record in the vicinity of the appeal site. However, it does not follow that this would continue if the proposed sign were installed.
11. Approaching drivers/riders would be likely to see the proposed advert from some distance. Nonetheless, due to its prominent location, size and illuminated changing images, it would be likely to distract drivers/riders at this busy junction, where concentration on vehicles and pedestrians needs to be focussed.
12. The appellants advise that the proposed use of static images with an 'instant change' would reduce the level of distraction. However, the illuminated images could change every 10 seconds. This would inevitably draw the eye and encourage drivers to focus on the advert. The proposal would therefore create a hazard to people in the vicinity who are taking reasonable care for their own and others' safety. As such the appeal proposal would have a harmful effect on public safety.

Other Matters

13. I have considered other examples of LED illuminated adverts which the appellant has submitted in support of the appeal proposal. However, given that the full details of those sites are not before me, I cannot consider to what degree those signs are comparable to the appeal scheme. In any event, each appeal must be considered on its own merits.
14. I note the appellant's comments in respect of driver behaviour in relation to roadside advertisements. However, these do not overcome or outweigh my concerns about public safety.
15. I acknowledge that illuminated signs are commonly used by Highways Authorities on highway networks nationally. However, these significantly differ in nature from the proposal. Those signs display public safety and directional information, rather than commercial advertisements. I therefore attach little weight to this matter in support of allowing the appeal.

Conclusion

16. For the reasons set out above, the proposed advertisement would be harmful to amenity and public safety. Therefore, the appeal is dismissed and advertisement consent is refused.

Rebecca McAndrew

INSPECTOR