



Appeal Decision

Site visit made on 9 July 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/L1765/Z/24/3341286

Land at ETB Autocentre, Easton Lane, Winchester SO23 7RQ

- 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 Winchester City Council.
 - The application reference is 23/02722/AVC.
 - The advertisement proposed is A new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the advertisement on the amenity of the area, and also upon public safety.

Reasons

Amenity

3. The proposed advertisement would be positioned close to the public footway of Easton Lane within an area of hardstanding associated with ETB Autocentre. This premises, along with the group of businesses to the immediate south, and also those along Nickel Close, form a cluster of mixed uses in the bottom of the valley. The land rises gently uphill to either side, and upon the higher land there are residential properties, some of which front the highway, and others which form part of estates.
4. The advertisement would be positioned in front of the timber fencing that separates ETB Autocentre from the neighbouring business park. Beyond this group of businesses is the fencing that delineates the gardens of the houses within Manor Close. These houses are higher up the hillside than the appeal property, and given their elevated position, they are clearly visible from Easton Lane.
5. The provision of the digital advertisement would appear harmfully intrusive, particularly as it would be the only large, illuminated free-standing advertisement within the area. The size of the advertisement along with its illumination and its prominent position to one side of a busy main road would make it a dominating addition to the area. Irrespective of whether the illumination would be 600 cd/m² as stated in the original application form, or

300 cd/m² as stated in the supporting documentation, the advertisement would be conspicuously visible from long distances away when approaching from the north.

6. Although the advertisement would be within an area where there are a variety of buildings and uses, the industrial, office, and commercial premises are clustered within the valley bottom, with most of the buildings being two storey in height or lower. This concentration forms a distinct contrast with the more homogeneous nature of the residential development at Manor Close, and the advertisement would be seen against a cohesive backdrop of timber fencing and similar sized red brick and tiled houses. The appellant considers the location of the advertisement would accord with the examples within the Planning Practice Guidance (the Guidance) of where large advertisements could be provided. However, the other advertisements within the area are upon the buildings and forecourts of nearby premises, and none are of a comparable size to the appeal proposal. Very few are illuminated and of those that are, the illumination is restricted to the fascia signs, such as that upon ETB Autocentre. Irrespective of the LED nature of the illumination to reduce glare, the presence of such a large, free-standing, illuminated advertisement, that would be set apart from any nearby building, would have an unacceptably intrusive impact within the area.
7. Furthermore, this harmful impact would be exaggerated by the changing images of the advertisement. When seen against the homogeneity of the backdrop comprising as it does of tall fences and houses, the changing images would form a strident contrast in such a setting. Lighting columns would be taller than the advertisement, but they have a repeated, rhythmical position within the highway with a recessive appearance due to their slender forms. Conditions have been suggested by the appellant to control levels of luminance, light sensitivity, and the frequency and manner of change. Nevertheless, the large size of the illuminated advertisement and the changing static images would form a harsh contrast to the muted tones of the fences and the residential estate that it would be seen against. Moreover, this contrast would be particularly apparent at night as the advertisement would form a large, concentrated block of illumination, very different to the scattered nature of the street lighting and that present upon and within the nearby buildings.
8. The appellant has drawn my attention to other freestanding advertising hoardings. Three of these examples are for two paired advertisements, and they are much larger than the scheme before me, as well as being within very different contexts. That at Stockbridge Road, Winchester is positioned against a backdrop of tall trees near to a row of tall buildings, and like that at Portsmouth Road, Eastleigh, is positioned parallel to the public highway, rather than perpendicular to it as is the case with the appeal scheme. The two advertisements at Bournemouth Road, Chandlers Ford are within a more open setting than the appeal proposal, whilst the single freestanding advertisement allowed at appeal (ref: APP/W1715/Z/20/3250588) is for a replacement advertisement, rather than being a new installation as is the case before me. Given these differences, none of these cases forms a binding precedent for approving the appeal.
9. The appellant refers to the increasing presence of advertisements similar to that proposed. However, the circumstances of this case are such that the advertisement would be unacceptably incongruous within its setting. It might

be that the advertisement could be remotely serviced, but neither this nor the conditions suggested by the main parties would mitigate the significant and unacceptable harm to the area that would arise from the scheme.

10. Policies from the Winchester District Local Plan (2017) (LP) and the Council's Design Guidance for the Control of Shopfronts and Signs (1998) (DG) have been brought to my attention. Although not determinative in advertisement cases, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that the provisions of the development plan can be taken into account as far as they are material. LP Policies DM15, DM16 and DM34 and the supporting DG require amongst other things, that advertisements respect local character, responding positively to the character, appearance and variety of the local environment in terms of design and scale, thereby reflecting objectives of the National Planning Policy Framework (the Framework). Having regard to my findings above, the advertisement would fail to accord with these policies and the guidance within the DG.

Public Safety

11. The Guidance points out that all advertisements are intended to attract attention but those at points where drivers need to take more care are more likely to affect public safety. Easton Lane is a busy main road into and out of the city centre, and near to the appeal site there are numerous road junctions and private accesses. There are also parking bays within the highway, and these are near to a bend in the road as it curves uphill towards the south.
12. Although the advertisement would be set back from the road, it would be very close to it, and given its height, size and illumination it would be clearly visible to those approaching from the north, including from long distances away. Whilst the images would be static, they would change, and the advertisement would be in the clear line of sight of motorists and other users of the highway. Even with the smooth, uninterrupted, instantaneous transition from one image to another, the changing images along with the position of the advertisement close to the highway would make the advertisement a distracting presence.
13. It might be that such advertisements are a familiar urban feature and that drivers would adopt what is described by the appellant as a glance strategy. Notwithstanding this, and that there have been no recorded accidents at the site between 2018 to 2022, the nature of the road with the numerous junctions and accesses onto it, is such that the advertisement would be a distracting presence, particularly as it would be positioned near to on-street parking and a bend in the road. Despite the presence of street lighting, the large size of the advertisement and its illumination, would make it brightly conspicuous and distracting to all users of the highway throughout the day and night, and especially so because of the frequency of change of the images. The advertisement would be an unacceptably diverting feature, and this distraction would be detrimental to public safety in an area where users of the highway would need to concentrate. Furthermore, whatever the level of illumination, the presence of bright, illuminated sequential images in an area where there are no other similar such advertisements or signs would harmfully exaggerate the distracting nature of the proposal.
14. For these reasons, the advertisement would unacceptably harm public safety, and the suggested conditions would not be sufficient to alleviate this harm.

Having regard to this, the scheme would fail to accord with the Regulations and with objectives of the Framework that seek to control advertisements in the interests of public safety.

Other Matters

15. The appellant has referred to the advertisement being the sustainable development that is sought by the Framework. However, the Regulations and the Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety, albeit taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Consequently, environmental and economic benefits, those arising from the use of modern technology, and the provision of an opportunity to display emergency public health information, are not matters for my consideration.

Conclusion

16. The advertisement would cause significant harm to the visual amenity of the area and to public safety. Thus, for the reasons given above and having regard to all other matters raised, the appeal is dismissed.

JJ Evans

INSPECTOR