



Appeal Decision

Site visit made on 12 August 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/C1055/Z/24/3346035

10 Harrow Street, Derby DE24 8WW

- 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 Derby City Council.
 - The application Ref is 24/00253/ADV.
 - The advertisement proposed is described as 'Installation of a digital advertising screen (D-Poster).'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may only be exercised in the interests of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. I have therefore taken Saved Policies GD5 and E26 of the City of Derby Local Plan Review (2006) (LP) and Policy CP4 of the City of Derby Local Plan Part 1 Core Strategy (2017) (CS) into account only insofar as they are material.

Main Issue

3. The Council has raised no concerns regarding public safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The advertisement would be located on the gable end of 10 Harrow Street, an end-terraced property. It would measure approximately 6 metres by 3 metres and would comprise a digital LED panel displaying instantaneously changing advertisements. To the west and north of the site are further residential properties. The appeal site is set back behind a grass verge and the proposed advertisement would face south towards a busy roundabout junction which connects Harrow Street/A6 with Ascot Drive and London Road.

5. The area south of the appeal site has a more commercial character. Ascot Drive contains a mix of industrial and retail units, with a large retail unit directly adjacent to the roundabout. This unit features a number of large fascia signs. Nearby, there is signage related to the Grade II listed Derby conference centre. The listed building itself is set well back from the junction, behind mature vegetation, and would not be affected by the proposal. On London Road, I observed totem signs, bus stop advertising, various shopfront fascia signage and on the London Road roundabout, low-level advertisements. There were also modestly sized non-illuminated advertisements on the gable ends of two corner properties on London Road. The appellant noted a double-sided free standing sign in Dunelm carpark, however, I observed that this was no longer present.
6. While advertisements and signage are not uncommon in the area close to the appeal site, 48-sheet sized illuminated digital advertisements with intermittently changing images are not a feature of the area. Furthermore, the majority of advertisements are signage related to the use of the site on which they are located. Despite the proposed advertisement's slim profile, given its location, in combination with its size, height and sequential images, it would appear an unduly dominant and intrusive feature on the gable wall of the terraced residential property. This gable wall appears well-maintained and is not, in my view, unsightly. Additionally, it would be viewed against a distant backdrop of residential properties where advertisements and signage are not readily visible, unlike the commercial context south of the appeal site.
7. Whilst I acknowledge the area would be well lit from the existing street lighting, traffic lights and vehicles using the roundabout, I do not concur that this automatically means one would expect to see a 48-sheet sized illuminated digital advertisement display.
8. I have reviewed the suggested conditions put forward by the appellant. I acknowledge that the advertisements displayed could be static with an instant image change, limited to once every 10 seconds and that the level of illuminance could be restricted in line with the Institute of Lighting Professionals Professional Guide No 5. However, they would not overcome the harm to visual amenity identified, which relates to the positioning and size of the advertisement as well as its digital nature.
9. For the above reasons, I conclude that the proposed advertisement would have a harmful effect on the visual amenity of the area. It would conflict with saved Policies GD5 and E26 of the LP which require proposals to have acceptable impacts on amenity and the local environment and also with Policy CP4 of the CS which requires proposals to make a positive contribution to the character of the area. It would also be contrary to the design policies of the Framework, where it states that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

10. I have carefully considered the five other examples of digital advertisements approved at various locations across England. The examples at Wednesbury and Enfield appear freestanding advertisements and against an industrial backdrop. At Crewe, the advertisement is a freestanding replacement advertisement. The example at Kettering is also freestanding with commercial units in the background. From the limited information before me, I therefore do

not find them comparable to the appeal proposal. Whilst the example at Bolton appears more comparable to the appeal proposal, from the limited information I cannot be certain that there are no other digital advertisements in the vicinity or the site specific circumstances which led to its approval. In any case, I do not consider that this justifies the proposal before me, which has been determined on its own merits.

11. I have had regard for the social, environmental and economic benefits of the proposal. It would provide advertising space for local advertisers, allow for public and emergency messaging and not create paper waste like the traditional advertisements. LED lighting would also be used, which is more efficient than traditional halogen. Some of the benefits cited appear to be related to where existing displays are being upgraded to digital ones, thus are not applicable in this case. However, notwithstanding this, as the power to control advertisements under the Regulations can only be exercised in the interests of amenity and public safety these matters do not form part of my consideration.
12. The appellant has raised the issue of communication with the Council. This is a matter between the main parties and has no bearing on my consideration of the planning merits of the appeal proposal.

Conclusion

13. For the reasons given above I conclude the proposal would be detrimental to the interests of amenity and, therefore, the appeal should be dismissed.

T Bennett

INSPECTOR