
Appeal Decision

Site visit made on 6 August 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/G2625/Z/23/3335634

40-46 St Stephens Street, Norwich, NR1 3SH

- 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 Mr John Stephenson of Open Outdoor Media Ltd against the decision of Norwich City Council.
- The application Ref is 23/01106/A.
- The advertisement proposed is the installation of a digital advertising screen above the St Stephens Street entrance of the Chantry Place Shopping Centre.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against Norwich City Council. This application is the subject of a separate decision.

Preliminary Matter

3. Since the application was determined, the Joint Core Strategy for Broadland, Norwich and South Norfolk has been replaced by the Greater Norwich Local Plan 2024.

Main Issues

4. Advertisements are subject to control in the interests of amenity and public safety only. No objections have been raised by the Council regarding public safety. The main issue is therefore the effect of the proposal on amenity. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Reasons

5. As the site is located within the Norwich City Centre Conservation Area (CA), I have had regard to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Based upon the evidence before me and my own observations, the significance of the CA is derived from its townscape quality and the presence of historic buildings and features.

6. The proposed digital display screen would be mounted above the entrance to a shopping centre. Although this is a modern contemporary building, it is of high-quality design and architecture, which makes a positive contribution to the CA. The large, glazed frontage allows views through the building into the glazed roof atrium and is an important feature in its design. The proposed digital display, due to its size and position, would dominate this entrance to the shopping centre, would significantly detract from its glazed frontage and would obstruct views through the building, diminishing its architectural and design quality. The diminished quality of the shopping centre frontage would fail to preserve or enhance the character or appearance of the CA.
7. I acknowledge that the wall on which the display would be mounted is recessed, and that this would limit views of it in the wider street scene. I also accept that the site lies within a primary shopping area, in which there are a variety of illuminated advertisements, including shop fascia signs, internal shop front displays, bus shelter displays and digital hubs. However, these are generally at ground floor level or just above.
8. I have also had regard to the large digital advertisement displayed on the Chantry Road entrance to the same shopping centre. This is a horizontal display, mounted between two steel poles that support the glazed roof canopy above that entrance. The display sits within a much wider glazed frontage, bound by modern new buildings on either side and opposite it, separating it from the historic church. As such, that advertisement integrates and is viewed in context with a large new modern retail development and its surroundings. Consequently, its effect on amenity is very different to that of the appeal proposal, which sits within a street scene comprising a mixture of historic buildings, which on the upper floors in particular, are very organic and traditional in appearance.
9. Policies 2 and 3 of the Greater Norwich Local Plan and Policies DM3 and DM9 of the Development Management Policies Local Plan relate specifically to development as opposed to advertisement proposals. As advertisements are not development as defined by Section 55 of the Town and Country Planning Act 1990, these policies are not relevant to my determination of this appeal.
10. When determining advertisement consent for proposals within a conservation area, the question of substantial or less than substantial harm referred to in the National Planning Policy Framework (the Framework) is not relevant, as this only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990. I have however had regard to paragraph 141 of the Framework, which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed.
11. I therefore conclude that the appeal proposal would have a harmful effect on amenity and would fail to meet the statutory requirement to preserve or enhance the character or appearance of the CA.

Other Matters

12. Concerns have been raised by third parties regarding the advertisement being a dangerous distraction to motorists and pedestrians in this busy area. However, this matter has been thoroughly assessed by the Council's Planning and Highway Officers and based upon the evidence before me and my own

observations, I have no reason to reach a different conclusion on the matter of public safety.

13. I have had regard to the benefits of the appeal proposal in terms of enabling the Council to advertise their own messages on the screen, in addition to the paid for advertisements. However, this would not outweigh the harm I have identified to the visual amenity of the area. Moreover, the Advertisement Regulations clearly state that consent shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed. There is also nothing before me to suggest that such messages or information cannot be shared on the many other digital displays that are already available in the immediate area.

Conclusion

14. For the reasons given above the appeal is dismissed.

R Bartlett

INSPECTOR