



Appeal Decision

Site visit made on 8 October 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/J4525/Z/24/3347255

2-4 Sea Road, Sunderland SR6 9BX

- 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 Alight Media against the decision of Sunderland City Council.
 - The application Ref is 24/00540/ADV.
 - The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council has identified that the effect of the proposed advertisement on public safety would be acceptable, and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

3. The appeal site is situated beside a junction. The roads which meet at it are main roads. They include Sea Road along which there are located many businesses forming a district centre within a generally suburban part of Sunderland. Given this, I accept that nearby to the site there is a concentration of commercial properties, and there is an array of highway infrastructure. This includes traffic lights and streetlights which also means that the local area will be well lit.
4. However, the proposed advertisement would not address Sea Road. It would be sited on the back wall of a property, and it would face in the opposite direction. It would be directed towards roads which are generally lined by residential properties and towards an area which exhibits a quite verdant character owing to the presence of mature trees and pockets of open space. When travelling toward and viewing the proposed advertisement, it is this leafy residential character which would provide the principal setting within which its effects would be experienced, not the nearby district centre.
5. The existing concentrations of advertisements within the area are generally small in scale and are sited on the premises they are advertising. In contrast, the proposed illuminated 48-sheet digital advertisement would be much larger, and it would be out of scale with the advertisements which prevail in the area. Despite the lighting established in the area, and even though the images to be

displayed by the advert would be static, given its size and its digital illuminated nature, the proposed advertisement would nevertheless form a forceful and strident feature within the street scene. Within its particular context, the proposal would be incongruous, harmfully discordant with the nearby residential properties and soft landscaping. For these reasons, and even though the site is not within an area of special advertisement control nor forms a part of, or is adjacent to, any designated heritage assets, the advert would fail to assimilate into its surroundings and unacceptably harm the visual amenity of the area.

6. The appellant has submitted that conditions could be imposed to control the appearance and operation of the advertisement. However, conditions would not serve to adequately mitigate the harm I have identified, and they would not overcome my concerns.
7. Evidence before me indicates that a traditional paper and paste 48 sheet billboard advertisement has previously been displayed at the appeal site. Although the evidence also indicates that it has not been in place for a considerable period - around 16 years. The precise details of this previous advertisement are not before me. This limits my ability to draw accurate comparisons between it and the advertisement the subject of the appeal. However, given that it was a traditional paper and paste type display, I am confident that its visual effects would have been considerably different to the digital advert proposed. It would have been unlikely to have exhibited the same stridency which would result from the appeal proposal. As a result, the previously displayed advertisement is a matter of limited weight in my decision.
8. The appellant refers to other consented and erected digital advertisements, their rise in popularity in more recent years, and particular examples from other locations in Sunderland are also presented to me. Unlike the appeal proposal, the advert approved at 194 Southwick Road is orientated toward, and is seen in conjunction with, a host of commercial properties and their associated signage. The advertisement at Farrington Row is sited upon a multi storey car park on the edge of Sunderland City Centre. Similarly, the advertisement at 3 Western Hill is also close to the City Centre and near to a concentration of University buildings. Also much closer to the commercial hub of the City Centre, and in quite close proximity to a retail park and another large illuminated display, is the Waverley Terrace site. Finally, the Peacock Street site is positioned alongside other advertisements, close-by to a hospital and a number of prominent telecommunication installations.
9. Given these factors, there are clear differences between the setting of the appeal site and the settings of the other cited sites, and different effects would be wrought by the proposal. Consequently, the cited advertisements are also of limited weight in my decision.
10. For the reasons I have set out, the proposed advertisement would unacceptably harm visual amenity. Policy BH4 of the Sunderland City Council Core Strategy and Development Plan 2015-2033 states, amongst other matters, that advertisements should be sympathetic to the character and appearance of the locality and that illuminated advertisements should not adversely affect the amenity of the area. Given this content, the policy is material in this case, and I have taken it into account. As I have concluded

that the proposed advertisement would harm visual amenity, the proposal conflicts with this policy. Furthermore, as the proposed advertisement's design would fail to be sympathetic to the area, it also conflicts with the advice of paragraph 141 of the National Planning Policy Framework.

Other Matters

11. The consideration of advertisements should be subject to control only in the interests of amenity and public safety. Therefore, even though the proposed advertisement may incorporate a technologically advanced design, a high build quality, and be an example of the efficient and sustainable design the advertisement industry is striving for, these are not matters which have a bearing upon my decision. Neither is the advertisement's contribution towards business and the economy. Furthermore, the absence of harm in relation to matters other than amenity does not outweigh the harm I have identified in that particular regard.
12. The appellant refers to the advertisement's ability to display emergency information for the public such as health related information. Factors relevant to public safety are specified in regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). These factors concern safety in relation to various transport modes. Safety of the type referred to by the appellant is not cited within regulation 3, nor does it seem very relevant to it. That said, neither does regulation 3 include an exhaustive list of safety factors. However, even in a scenario whereby I accepted that the display of emergency announcements is a public safety matter relevant to the control of advertisements, the benefit derived from it would not overcome the harm I have identified to visual amenity.

Conclusion

13. For the reasons set out above, I conclude that the proposed advertisement would unacceptably harm amenity. Therefore, the appeal should be dismissed.

H Jones

INSPECTOR