



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: 23 October 2024

Appeal Ref: APP/J4525/Z/24/3347723

70 Ryhope Street, Sunderland SR2 0AB

- 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 Sunderland City Council.
 - The application Ref is 24/00734/ADV.
 - The advertisement proposed is the installation of a digital advertising screen (D-Poster).
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Decision

1. The appeal is dismissed.

Main Issue

2. Informed by the consultation response of the local highway authority, the Council has identified that the effect of the proposed advertisement on public safety would be acceptable. I have no substantive evidence before me which gives me reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

3. The appeal site comprises of the gable end of 70 Ryhope Street (No 70). No 70 is a former public house situated within a local commercial centre within the settlement of Ryhope. The appeal site's location within a local centre means that there are a number of commercial premises in the area and an assortment of advertisements some of which are illuminated. A large painted mural is in place on the gable end of a property farther along the street. There is also an array of highway infrastructure near to the site which includes streetlights and a pedestrian island crossing. The streetlights and the illuminated advertisements mean that artificial lighting already features in the area.
4. However, the local area also includes many residential properties, and the presence of wide grass verges, open spaces and mature trees also means that the area is verdant. Consequently, those aspects of the local area which are more commercial, and are more visually animated, form only a part of the character of the area. The surroundings to the appeal site have more subdued qualities as well.
5. No 70 displays ornate and traditional design elements. This includes, on the ground floor, facets of a traditional shop front. Above this, the building includes feature projecting gables on its roofscape adorned with elaborate

detailing and distinctive stonework to the first floor windows. As a result of this appearance, I find that No 70 exhibits architectural and artistic interest, and it has a degree of heritage significance meriting consideration. Consequently, and even though a quite considerable period of time has elapsed since the Council's conservation team passed comment upon the building¹, I consider No 70 to be a non-designated heritage asset.

6. Although there are exceptions, many of the advertisements within the surroundings to the appeal site are small in scale and are sited on the premises they are advertising. In contrast, the proposed illuminated 48-sheet digital advertisement would be large, and it would be out of scale with many of the advertisements which prevail in the area. Despite the lighting established in the area, and even though the technology deployed would enable the display and its luminance level to be well controlled, given its size and its digital illuminated nature, the proposed advertisement would form a forceful and strident feature within the street scene. Its visual effects would be unsympathetic to, and discordant with, the nearby residential properties and soft landscaping.
7. There would be views whereby the proposed advertisement would clearly be seen in conjunction with No 70's front elevation. In these views, the advertisement's size and digital appearance would be harmfully at odds with the ornate and finer architectural detailing of the former public house.
8. For these reasons, and even though the site does not form a part of, or is beside, any designated heritage assets, the advert would fail to assimilate into its surroundings and unacceptably harm the visual amenity of the area.
9. An advertisement has previously been displayed in the same location as that proposed. However, the evidence before me indicates to me that it was a traditional paper and paste type display. As a result, 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.
10. The appellant refers to other consented digital advertisements. Unlike the appeal proposal, the advert approved at Silksworth Row is located on the edge of Sunderland's City Centre, and within an area which has local characteristics which differ from Ryhope. The other cited examples each relate to advertisements in Wales, far away from the appeal site. I have been presented with no substantive evidence that the site contexts of the Welsh examples are very comparable with that the subject of this appeal. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons the cited advertisement consents are also of limited weight in my decision.
11. 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

¹ Comments made in relation to planning application reference 14/00704/FUL.

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, it 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

12. The appellant sets out that there would be environmental, social and economic benefits associated with the proposal. However, 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 result in the likes of an uplift in business rates, and the advertisement's technologically advanced design means that it would be an energy efficient installation and mitigate its effects environmentally, these are not matters which have a bearing upon my decision.
13. The attributes of digital advertising may mean that multiple advertisements can be displayed, reducing the number of advertisement sites necessary overall. Even so, in my main issue, I have identified that the particular visual amenity effects of the appeal proposal would be unacceptable. Furthermore, the absence of harm in relation to matters other than amenity does not outweigh the harm I have identified in that particular regard.
14. Finally, the appellant refers to the advertisement's ability to display emergency announcements. 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. Announcements displayed by advertisements are not cited within regulation 3, nor do they 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

15. 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