



Appeal Decision

Site visit made on 15 October 2024

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/T2215/Z/24/3346296

Roundabout at the Junction of A206 and Marsh Street North, Dartford, DA1 5QE

- 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 Marketing Force Limited against the decision of Dartford Borough Council.
 - The application Ref is DA/24/00240/ADV.
 - The advertisement proposed is display 3 free standing, non-illuminated fascia advertising boards.
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Decision

1. The appeal is allowed and express consent is granted for the display of 3 free standing, non-illuminated fascia advertising boards at the roundabout at the Junction of A206 and Marsh Street North, Dartford, DA1 5QE in accordance with the terms of the application, Ref DA/24/00240/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Preliminary matters

2. The appeal is accompanied by a revised drawing of the proposed boards, submitted at appendix F to the appellant's appeal statement. The first change made to the drawing that was submitted at application stage is the addition of a bullet point in the notes at the bottom of the drawing indicating that the height of text used on the signage would measure between 10 and 20 cm. The second change is that the overall width of the advertisement would be reduced to 1016mm from the 1219mm referred to in the officer's report. These are not significant changes necessitating fresh consultation.
3. This appeal is one of a number that I am dealing with, for the same advertising boards to the same specification, made by this appellant. The planning officer's report referred to an earlier set of appeals in 2008 for similar advertising signs on some of the same sites¹. Some reliance is placed by the council on the fact that all of those earlier appeals were dismissed on both amenity and public safety grounds, asserting that the conclusions of that Inspector are applicable to the current set of appeal proposals.

¹ Appeal references APP/T2215/H/08/1203314, 1203315, 1203316, 1203317, 1203318, 1203319.

4. However, there are a number of material changes since 2008 that have been put before me and that I need to take into account and may lead to decisions that differ from those made in the 2008 appeals. These include changes in the design of the proposed boards, the introduction of the National Planning Policy Framework (NPPF) in 2012, with subsequent revisions; the National Planning Practice Guidance (NPPG) on Advertisements in 2014; improved road safety, with a reduction in road traffic accidents; more recently adopted development plan documents, including the Local Plan of 2024, when the extant local plan at the time was from 1995; more recent publications concerning adverts and road safety, referred to by the appellant such as Transport for London's (TfL) Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) (Appendix B) and the academic study by Oviedo-Trespalacios et al. (2019) (Appendix C).

Main Issues

5. The main issues in this case are: i) the effect of the proposed advertisements on amenity; and ii) whether they would pose a risk to highway safety

Reasons

Planning policies

6. The most relevant development plan policies of the Dartford Plan (2024) are Policies M1: Good Design for Dartford and M16: Active Travel, Access and Parking. In particular section 5 of Policy M1 should be noted. This reads: "5. *Signage and advertisements must be of a scale and design that is sympathetic to the building and locality, particularly in the designated Area of Special Advertisement Control, and must not have a negative impact on visual amenity, public safety or the safe and convenient movement of pedestrians, cyclists and vehicles*". Policy M16 includes the following: "1. *Development must be of a design and layout to promote walking, cycling and public transport use through provision of attractive, well-designed and safe routes which address the needs of users.*" and "3. *Adverse effects from the travel and movement issues associated with any development, including on amenity or the environment, must be minimised*".
7. As a material consideration of importance, the NPPF at paragraph 141, in relation to advertisements, states: "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*".

The advertisements

8. The advertisement boards are 1m high and 1.22m wide with the base set 300mm above ground level. The adverts are supported by two posts and are non-illuminated. The appellant advises that the advertisements would provide additional income for Kent County Council as the Highway Authority for the area to be used to support the management of Dartford's and Kent's Highways. The details submitted do not provide any detail as to the content of the advertisements, or that they relate to the locality. The drawing titled 'Sign Specification' shows an advertisement area illustrated with "SPONSOR'S

ADVERT HERE". Below that on a widened part of the framework is a Kent County Council logo.

The effect of the proposed advertisements on amenity

9. The roundabout is reasonably large as it is located on the junction of the A206 with Marsh Street North, all arms arriving at the roundabout in the form of dual carriageways. The A206 is subject to a 50mph speed limit, whilst Marsh Street North has a 30mph limit. The roundabout is gently domed with brick paved edges. There are 3 sets of signs directing traffic to turn to the left. It sits within an area that is both residential and commercial in nature. There is an electricity pylon that dominates the space between University Way (A206) and Marsh Street North, to the north of the roundabout, beyond which are major modern industrial/commercial buildings with their car parking. The immediate surrounds of the roads and roundabout are green verges.
10. The residential development in the immediate vicinity comprises modern houses in contemporary suburban style. In the sector between Marsh Street North and Bob Dunn Way, the houses fronting Lockwood Place look towards the roundabout, at a slightly elevated level across a landscaped area that is intended to provide screening. The end of Cornwall Road, a cul-de-sac, brings housing close to the south of the roundabout, the nearest houses having their backs, and rear garden areas facing towards the highway. These are also at a raised level with fencing and trees and shrubs on the roadside verges.
11. I consider that the residential amenity of both these residential developments would not be compromised by the proposed advertisement boards. Furthermore, the main characteristics of the approaches to the roundabout, within which the boards would be seen, are of large scale urban highways. The amenity value of the area would not be harmed by the proposed advertisement boards, and they would therefore accord with policy M1 of the Dartford Plan and paragraph 141 of the NPPF.

Risk to public safety

12. This is a busy roundabout, as I saw at my visit during a mid-week afternoon. It has a very open setting, with wide verges and a simple geometry. The main 'through' road, the A206 has a 50mph speed limit, whilst on Marsh Street North the limit is set at 30mph. At the approaches, vehicle speeds are likely to be lower than the limits allow.
13. At paragraph 4 above I have made reference to publications that post-date the 2008 appeal decisions. The findings of TfL's Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) cannot reasonably be confined to circumstances within its own geographical area, and therefore I find compelling the statement within Appendix B, quoted by the appellant that: *"Based on the literature review and on our own knowledge and experience of the field it is considered that there is no demonstrable proof that advertisements cause traffic collisions"*. This is reinforced by the quotations given by the appellant from the study by Oviedo-Trespalacios et al.
14. My driving experience is in accord with the conclusions of the documents referred to; in most circumstances, the proposed boards would not be so distracting that they would result in an unacceptable impact on public safety.

That would be so in this case; I consider that they would not be prejudicial to the intentions of policy M1 of the Dartford Plan and paragraph 141 of the NPPF.

Conclusions

15. Having taken account of all matters raised, for the reasons that I have set out above, I conclude that the appeal should be allowed.

Conditions

16. The five standard conditions set out in Schedule 2 of the 2007 Regulations should be imposed. The council has not suggested that any additional condition is necessary.

Terrence Kemmann-Lane

INSPECTOR