



Appeal Decision

Site visit made on 12 November 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/F0935/Z/24/3349649

Unit 1, Crown Street, Carlisle CA2 5AB

- 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 System Hydraulics against Cumberland Council.
 - The application Ref is 24/0260.
 - The advertisement proposed is display of 2no. internally illuminated digital LED signs.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the conditions in the attached Schedule.

Preliminary Matters

2. The application form describes the proposal as 'internally illuminated digital LED display signage'. However, the proposal is for two signs and so the description from the decision notice and the appeal form is used in the banner heading above.

Main Issues

3. The main issues are the effect of the proposed adverts on the amenity of the area and public safety.

Reasons

Amenity

4. The appeal site is a single storey commercial building with a large forecourt. It occupies a corner plot on the junction of Currock Road with Crown Street, adjacent to a small roundabout. The site, which is close to the railway line, is within a commercial, industrial, and retail area, including out-of-town stores. Opposite, and adjacent to the roundabout, are premises selling vehicles. Close to the site, along Currock Street, is a row of terraced houses.
5. The premises has existing non-illuminated signage on large fascias on two sides of the building. It is proposed to replace these with internally illuminated digital signage. This would advertise both the existing business and services operated on the site, with the wording broadly similar to the existing. However, 50% of the time it would advertise third parties, although the 'System Hydraulics' logo would always be shown.

6. The site is within an area where there is a plethora of signage, including 'bensons for beds' on the adjoining store, and signage for the sale of cars opposite. Moreover, there is a large, freestanding, internally illuminated single sided digital LED display sign¹ close to the roundabout on Currock Road. This is for general advertisements, and not for vehicles sold from the site.
7. The proposed site, because of its corner position and the existing signage² being prominently displayed on the fascias, is already highly visible. It is within an area of commercial buildings, not in a conservation area or the setting of a listed building. In addition, it is in an area that is already well-lit as there are several lighting columns along Currock Road and on Crown Street. Moreover, there is multiple signage in the area, and whilst only one is currently illuminated, the proposal would be within a well-lit, urban environment. Consequently, the replacement of existing signage on a commercial building would not be incongruous in this location. I therefore conclude that as it would not add significantly to the existing lighting levels within the area or dominate the site and the surroundings, it would not harm the visual amenity of the area.
8. I have taken into account Policy SP6 of the Carlisle District Local Plan 2015-2030 (CDLP). Given I have concluded that the proposal would not harm amenity, it does not conflict with this policy.

Public safety

9. The building on which the advertisements would be located is set well back from the adjoining roads. The digital signage would display static advertisements which would not change more than once every 10 seconds, with the interval between successive displays being 0.1 second or less. Signs on each display would change together and there would not be any moving or special effects. The signage would have light sensors which would reflect the background light conditions to ensure it would not result in any dazzle, with the ability to freeze the sign or switch it off if the display was to malfunction. Moreover, it would not exceed 300 candela/m² at night. Therefore, it would accord with industry standards³.
10. I observed when I visited the site, that Currock Road was busy with traffic travelling through the city. However, there are no traffic signs close to the site, and the Highway Authority has no objection to the proposal. Consequently, whilst the signage would be visible, the proposal would not cause a distraction to passing drivers. Therefore, it would not harm public safety in this location.
11. I have also taken into account CDLP Policy SP6. As I have concluded that the proposal would not harm public safety, it does not conflict with this policy.

Other Matters

12. The Council consider that other digital signage that has been allowed in Carlisle is not comparable to this case and that the inclusion of third-party advertisements on the proposed signage would result in undue visual clutter

¹ Ref 21/0701

² Ref 13/0901

³ Institute of Lighting Professionals Lighting Guide 05/22 (PLG 05), The Brightness of Illuminated Advertisements including Digital Display, 2023

and set a precedent elsewhere in the city. However, the proposal is within an existing commercial and industrial area, and digital signage advertising third-party businesses within Carlisle has already been allowed. Notwithstanding this, I have determined the appeal on the merits of the case based on the evidence before me.

Conditions

13. The Council has not suggested any conditions other than the standard ones, whilst the appellant has made some suggestions to overcome the Council's concerns.
14. Therefore, in addition to the standard conditions, condition 1 relating to luminance levels is required to ensure that the sign is not overly bright for users of the highway and the amenity of the area. Conditions 2 and 3, controlling the content and movement within the display are needed in the interest of highway safety.

Conclusion

15. For the reasons given above, the appeal is allowed.

M J Francis

INSPECTOR

Schedule of conditions

- 1) The luminance levels of the advertisements permitted by this consent shall not exceed 300 candela/m² during the hours of darkness. During daylight hours the luminance shall be controlled by sensors to adjust brightness accordingly and reflect ambient light conditions.
- 2) The advertisement display shall not change more frequently than every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).
- 3) The screen display shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and the display will include a mechanism to default to a plain, black screen if there is a malfunction, or the advertisement is not in use.

End of conditions