



Appeal Decision

Site visit made on 7 January 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/R3515/Z/24/3349049

233 Foxhall Road, Ipswich IP3 8LF

- 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 Ipswich Borough Council.
 - The application reference is IP/24/00374/ADV.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
-

Decision

1. The appeal is allowed and express consent is granted for the display of a new single illuminated 48-sheet digital advertisement at 233 Foxhall Road, Ipswich IP3 8LF in accordance with the terms of the application, Ref: IP/24/00374/ADV. 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 following additional conditions:
 - 1) The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "*The Brightness of Illuminated Advertisements*" (PLG05: 2023).
 - 2) The advertisement hereby approved shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change without visual effects between advertisements. Each image shall be displayed for at least 10 seconds. There shall be no sequencing, fading, swiping or merging of images and it shall not display any animation, video, moving or flashing images. In the event of a fault the panel should be designed to default to a blank black screen.
 - 3) The digital display shall be switched off and not illuminated between the hours of 22.00 and 07.00.
 - 4) Notwithstanding the details shown on the plans submitted with the application, the height from ground level to the lower edge of the display panel hereby granted express consent shall not exceed the height of the boundary fence to the railway line immediately behind the panel.

- 5) Prior to the installation of the advertisement, the existing sign which is shown to be removed on drawing number T4828 A4 060 shall be permanently removed from the site.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.
3. The Council raises no concerns in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view.

Main Issue

4. The main issue is the effect of the advertisement on amenity.

Reasons

5. 'Amenity' as defined in the Planning Practice Guidance (PPG) is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement. The PPG advises that the local characteristics of an area are relevant when assessing amenity, including the presence of any feature of historic, architectural, cultural or similar interest. The Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.
6. The appeal site lies at the entrance to a car park that serves a small industrial estate. The area is characterised by a mix of uses, including industrial, commercial and residential. The immediate area has a utilitarian character and is dominated by built form and the highway infrastructure. Adjacent to the appeal site is a railway line that is sited on lower land. There are some trees and greenery on the banks of the railway line, which provide a green backdrop to the appeal site and make a positive contribution to the character and appearance of the locality.
7. The proposal seeks consent for a new 48 sheet digitally illuminated advertisement, which would be sited adjacent to the highway and railway line. There is currently an assortment of advertisements at the entrance to the industrial estate, including high, totem signage. On the opposite side of the railway line is a 48 sheet digital advertisement, which was granted at appeal¹ in July 2023.
8. The appeal site lies within the California Character Area (CCA), which is a late 19th century residential suburb. Foxhall Road is a main route that bisects the CCA and leads into the town. While the wider character area exhibits historic and architectural interest due to its well preserved examples of 19th century domestic architecture, the appeal site itself lies at the entrance to a small industrial estate. Consequently, the appeal site makes a very limited contribution to the character of the CCA.

¹ APP/R3515/Z/23/3316835

9. I appreciate that the Ipswich Urban Characterisation Study identifies the appeal site and its immediate locality as a 'junction/pedestrian space that requires design improvements'. However, the proposal would remove an existing advertisement and replace it with a higher quality digital sign. Similar to the consented scheme, the appellant has confirmed that they are happy to have a condition that the base of the panel would be no higher than the height of the adjacent fence and that the advertisement would be switched off overnight. This helps to reduce the visual impact of the sign. Although, the proposed advertisement would be larger and more prominent in the street scene than the sign it would replace, given its higher quality appearance, I find that it would preserve the amenity of the locality, would not result in any additional visual clutter and would enable the greenery to the rear to remain visible above the advertisement.
10. The proposal would not be seen within the same views as the existing 48 sheet digital advertisement. The two advertisements would back on to each other, with the railway line and trees in between. Consequently, I do not find that the proposal in combination with the existing digital advertisement and the other advertisements on the site would result in an unacceptable cumulative visual impact.
11. The Council's reason for refusal does not raise any concerns regarding the impact on the proposed advertisement on the living conditions of nearby residents. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion on this matter.
12. For the reasons given above, I conclude that the advertisement would preserve the amenity of the area. Although not determinative, the proposal complies with Policies DM12 and DM26 of the Ipswich Core Strategy and Policies Development Plan Document Review April 2022. These policies among other things seek that advertisements preserve or enhance the character of their setting.

Conditions

13. In addition to the standard conditions set out in the Regulations, additional conditions relating to the level of illumination; that the advertisement is switched off overnight; the height of the display; and, that an existing advertisement is removed are required, in order to preserve the amenity of the area. In the interests of public safety, a condition requiring that the advertisement shows static images only for at least 10 seconds before changing, is necessary.

Conclusion

14. For the reasons given above, I conclude that the advertisement would preserve the visual amenity of the locality. The appeal is therefore allowed, subject to conditions.

A James

INSPECTOR