
Appeal Decision

Site visit made on 03 January 2025

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/C1055/Z/24/3353301

Land Lying to the North West of Chequers Road, Derby DE21 6DA

- 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 Derby City Council.
 - The application Ref is 24/00651/ADV.
 - The advertisement proposed is the Erection of D48 Advertising Display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The main issues are the effect of the advertisement on the amenity of the area.

Reasons

4. The appeal site relates to a large roundabout which is located within a predominantly commercial area. The roundabout is heavily landscaped with mature, tall and dense vegetation. A number of features including traffic signals and signs, and low-level banner advertisements have been installed on the roundabout. However, these are low-key installations and generally appear visually discrete. While the surrounding area is predominantly commercial in nature, the roundabout, due to the extent of vegetation, provides an important green refuge in an otherwise heavily built-up urban environment.
5. The proposed advert would be located in a prominent position set against the generally undisturbed vegetated backdrop of the roundabout. The advertisement would be highly visible to vehicular users when approached from the slip road off Eastgate (the A52). The display would be tall and wide, and its size along with its digital illumination would result in a visually incongruous feature that would markedly contrast with the generally undisturbed verdant backdrop. As such, the display would erode the important contribution that the landscaping of the

roundabout provides within the urban environment. The intermittent changing of the advertisement would draw additional attention to the display, further compounding the incongruity and prominence of the signage in this location.

6. Various conditions have been suggested by the appellant including complying with best practice luminance; restricting the nature of images to be displayed; and, the frequency of image change. However, such controls would not be sufficient to mitigate the harm to visual amenity that I have identified. Furthermore, it is not considered that the addition of wildflower landscaping to the front of the advertisement, due to its limited extent and low-level nature, would help to soften the effects of the advert, or help to assimilate the display into the vegetated context.
7. My attention has been drawn to examples of similar displays which have been given consent, including the approval of advertisement consent by Derby City Council. I do not have full details of the cited advert at Raynesway and Bellmore Way. However, I note the comments within the Officer Report which state that *“viewed in context of the large commercial buildings near to it, the proposed digital sign display would not be out of place”*. The appeal scheme would have limited views in the context of commercial development and, as such, appears to be materially different to that approval. With regard to the advert consented by Salford City Council, I note that this was consented on a vegetated roundabout. I do not have full details of the surrounding context, as such I am unsure of the visual value of that site within the urban environment. However, I do note that the roundabout appears to be much smaller than that within the appeal scheme. Furthermore, the available photographs show a large commercial building which would appear to be within the same view. As such, there appears to be contextual differences between the two sites. In any event, I have considered the appeal proposals on its individual merits.
8. For the above reasons, I conclude that owing to its scale, context, and nature the proposed advertisement would cause harm to visual amenity.
9. I have taken into account the provisions of the development plan in so far as they are relevant to visual amenity. Policy E26 of the City of Derby Local Plan Review (2006) (the LP) requires that advertisements have an acceptable effect on the local environment. As the advertisement would be harmful to amenity, it would not accord with Policy E26 of the LP or the Framework.

Conclusion

10. For the reasons given above the appeal should be dismissed.

D Cleary

INSPECTOR