



Appeal Decision

Site visit made on 17 February 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/Z1775/Z/24/3350978

Advert Rights, 106-118 Fratton Road / 1 Nancy Road, Portsmouth PO1 5DF

- 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 Portsmouth City Council.
 - The application Ref is 24/00556/ADV.
 - The advertisement proposed is Conversion of poster advertisement display to D-Poster
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024 and further amended on 7 February 2025. However, the sections pertinent to this appeal have not changed and the revised version has been referenced in this decision.

Main Issues

3. Paragraph 141 of the Framework states advertisements are subject to control only in the interests of amenity and public safety. This is prescribed within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the COA). Therefore, the main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons

Amenity

4. The location of the proposed advertisement would be on the side elevation of a 5-storey building and visible for a considerable distance over the adjacent single and double storey buildings. There is currently a non-digital, unlit advertisement on the side of the building. It is also positioned horizontally on the building without impacting the design features of the host building, specifically the upper floor detailing.
5. The proposed new advertisement would be larger than the existing and positioned vertically, cutting across some the upper floor detailing on the host building. In combination with the highly visible nature of a lit advertisement and the potential of a changing display every 10 seconds, the awkward relationship between the advertisement and host building would have an incongruous impact on the visual amenity of the area.

6. There is a high level of illuminated signage along this part of Fratton Road which aligns with its commercial and retail character. Also, that there is an existing advertising on the side of the host building. However, the majority of the illuminated signage is positioned to the front of the buildings and at a ground or first floor level. Therefore, the incongruity of that proposed location, on a side elevation, at 3rd and 4th floor level would further exacerbate its awkward siting on the host building. Consequently, it would not be in keeping with the general character of the area.
7. The appellant has identified a number of advertisement consents from across the country. However, they are either in line with or not significantly higher than other surrounding advertisements or replaced existing externally lit poster advertisements. The circumstances are not, therefore, sufficiently similar to the proposed advertisement to draw a direct comparison that would weigh in the proposals favour.
8. The appellant considers the proposal would remove clutter from the street scene. However, how this would be achieved for this part of Fratton Road has not been evidenced, and so does not overcome the harm identified in relation to visual amenity. Nor does the lack of aural amenity harm.
9. The proposed advertisement would therefore have an adverse impact on the quality and character of the local area so harm its amenity. It would therefore not comply with Paragraph 141 of the Framework, or Regulation 3(2) of the COA, which confirms that factors relevant to amenity include the general characteristics of the locality.

Public safety

10. The proposed location of the advertisement would mean it is most likely to impact the safety of persons using Fratton Road, as per Regulation 3(2)(b) of the COA.
11. In proximity to the proposed location, both sides of Fratton Road are used for retail and commercial purposes often with residential above and behind. This creates an active street frontage, and it is also a busy thoroughfare for the local area. Many of the businesses have their own illuminated signage and the road is street lit. There are parking bays on both sides of the carriageway, bus stops, cycle lane provisions and a light-controlled pedestrian crossing close by. This creates a visually cluttered and busy street scene which would require a high level of concentration for those travelling through the area, especially at night or in poor weather.
12. During the site visit, which was undertaken on a mid-week winters evening, it was evident that the existing illuminated signage and advertisements, along with vehicle lights, streetlights and the crossing create a distracting environment. The proposed illumination of the advertisement and changing display change would be more visually apparent than the existing advertisement and so would further increase the level of distraction already apparent for road users of this part of Fratton Road.
13. The appellant has submitted a Highway Safety Report (HSR). This has gone some way to evidence that, in general, digital advertisements do not appear cause an unacceptable risk to highway safety. It also includes examples of signage from across the country as well suggested conditions limiting luminosity and change time between adverts.

14. However, the HSR does not appear to consider the visually disruptive environment of this part of Fratton Road. Nor the cumulative impact an additional advertisement of this nature may have in terms of further distracting road users and potentially drawing attention away from the pedestrian crossing, cyclists, and other vehicles manoeuvring, particularly at night or in poor weather conditions.
15. The HSR's examples appear to be in less distracting environments than that proposed, and without full assessment of the specific potential impacts, it cannot be established whether the conditions would sufficiently mitigate the harm to public safety.
16. Consequently, it can only be concluded that the proposed advertisement would have a negative impact on public safety and fail to comply with paragraph 141 of the Framework, and Regulation 3(2)(b) of the COA.

Other Matters

17. The considerations for this type of appeal are limited by legislation. Nevertheless, the potential reduction in vehicles trips and waste, the use of the proposed advertisement for emergency messaging or local businesses, and that it would be part of a nation-wide advertising hoarding upgrade project is noted. However, these matters would not mitigate or overcome the harm to amenity or public safety.

Conclusion

18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR