



Appeal Decision

Site visit made on 25 February 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/J4525/Z/24/3354471

Advert Allam Site 0023 01, 24 Kayll Road, Sunderland, SR4 7TN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Sunderland City Council
 - The application 24/01416/ADV, was refused by notice dated 3 September 2024.
 - The advertisement proposed is 'Replacement of paper and paste display with 1 no. internally illuminated digital advertisement.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to an externally illuminated advertisement being in place on the gable between 2009 and 2015. They have provided a photograph showing what appears to be a lighting stanchion above a paper and paste advertisement. There is evidence on site of a previous installation on the gable, at a position slightly higher than the current advertisement, which corresponds with the submitted photograph. Given the information before me, I have determined this appeal on the basis that the existing advertisement is not illuminated, and no consent exists for an externally illuminated advertisement on the gable where it is proposed to install the internally illuminated digital advertisement.

Main Issues

3. The main issues are the effect of the proposal on (a) amenity; and (b) public safety.

Reasons

Amenity

4. The proposed advertisement would be placed on the gable of a property at the junction of Kayll Road and Henderson Road. The street frontage on the western side of Kayll Road in the vicinity of the appeal site, contains a very limited number of non-residential properties on the frontage. Those which do exist nevertheless, do not detract from the overwhelmingly residential character of the frontage. Hence, the area west of Kayll Road is almost exclusively residential in character. This includes Henderson Road which is a residential street typical of the area that presents a pleasing vista to Bishopwearmouth Cemetery to the west. The building accommodating the proposed advertisement and building opposite on the southern side of Henderson Road signal a constrained and compact entrance into the residential street. They perform 'sentry' roles shielding and distinguishing the

domestic scale and residential grain of this side of the road from the larger scale hospital site to the east.

5. The introduction of an illuminated advertisement would form an isolated, dominant, and visually jarring addition to the street scene by reason of its substantial size, its internal illumination, and its changing images. It would further blur the distinction between the overtly residential character of Henderson Road and the scale and illumination level associated with the nearby hospital.
6. The property immediately opposite the appeal site on Henderson Road is in commercial use by a charity. However, the property at Dean Villa, 26 Kayll Road and also opposite the appeal site, but set back, is in residential use. This dwelling contains facing windows in the gable approximately 30 metres from the appeal site which are only partly screened from the appeal site by a deciduous tree. The proposed illuminated advertisement would be very visible from these windows and would detract from visual amenity in this regard.
7. Even with conditions to control the brightness and speed of changing images, the proposed advertisement would be significantly more prominent than the existing non-illuminated advertisement. These factors would emphasise its disproportionate scale and commercial characteristics that would appear out of place in the predominantly domestic context. Therefore, it would result in significant harm to the amenity of the surrounding area.
8. Furthermore, the proposal would introduce additional visual clutter when viewing north along Kayll Road, from the direction of the Chester Rd junction, from a position south of the appeal site. The illumination would create a striking visual feature very different to the existing paper and paste advertisement. This sense of clutter would be exacerbated by the presence of a second operational digital illuminated advertisement at the junction with Hylton Road to the north which would also be visible in the background. The cumulative impact of both advertisements would be significant and harmful to amenity.
9. I have reviewed the examples of internally illuminated digital lighting identified by the appellant under Ref: 19/01383/ADV and 24/00519/ADV. These are in commercial areas that are very different character to the appeal site. There is an example of a similar advertisement at the junction of Kayll Road and Hylton Road. This location is also very different in character to the appeal site, being a nodal point between major distributor roads in the city which is characterised by commercial activity.
10. Various other examples of advertisements are brought to my attention. Some of these were permitted under a different system of regulation in Wales. The other examples in England are all a considerable distance from the appeal site, and the limited information provided does not fully explain the background or context. The characteristics of each place will differ, and therefore, it is not shown that any are directly comparable to the context of the appeal site before me. Hence, whilst these examples attract limited favourable weight, they do not, either individually or cumulatively, lead me to a different view on the specific merits of this case.
11. I have taken into account Policy BH4 of the Core Strategy and Development Plan 2015 -2033 (January 2020) (the CSDP) which seeks to protect amenity and so is material in this case, together with paragraph 141 of The National Planning Policy

Framework (the Framework). The proposal would be unsympathetic, and therefore harmful to amenity, and would conflict with local and national policy.

12. I conclude that the proposal would cause significant harm to amenity due to its size, positioning, illumination and display of changing images.

Public Safety

13. The advertisement would be located at a point on the highway where vehicles manoeuvre into a right-hand turn lane to access the main entrance to the hospital. There are also two bus stops located close to the appeal site on each side of Kayll Road which introduces a further potential hazard, including pedestrians crossing the highway without the benefit of a crossing point to access the hospital. This is a location where considerable attention from motorists is required. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. Also, that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality.
14. The Highway Authority have concerns about the digital advertisement display creating a distraction for motorists, particularly where there is a busy entrance to the hospital. Even momentary distraction to road users, such as would arise from the proposed sequential advertising of the appeal proposal, would increase the risk of accidents to the detriment of the safe operation of the highway. Given their local knowledge of the highway conditions, I have attributed considerable weight to their views.
15. It follows that I cannot agree with the assertion in the Highways Technical Note provided that the proposal will not present any more of a distraction to passing drivers when compared to the existing sign'.
16. For the reasons outlined, the proposal would be contrary to the provisions of the Framework, guidance within the PPG and Policy BH4 in the CSDP, which seek to control advertisements in the interests of public safety.
17. My assessment is that the position and nature of display, would likely result in a distraction for users of the highway near a busy hospital entrance. Hence the proposal would have a harmful effect on public safety.

Other Matters

18. It is highlighted that the appeal site is not located near a designated heritage asset, that digital advertisement reduces the need to travel for updating and that they have associated economic benefits. However, these factors do not address my concerns regarding harm to amenity and public safety.

Conclusion

19. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety, therefore the appeal is dismissed.

F P Tinsley

INSPECTOR