



Appeal Decision

Site visit made on 21 October 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/E2001/Z/25/3372711

288 Boothferry Road, Hessle, HU139AU

- 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 East Riding of Yorkshire Council.
 - The application Ref is 25/01245/PAD.
 - The advertisement proposed is described as 'erection of D48 poster'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, while I have referred to a policy that the Council considers to be relevant to this appeal, this has not been decisive in my determination of this appeal.

Main issues

3. The main issues in this appeal are, therefore, the effect of the proposed advertisement on:-
 - amenity;
 - public safety.

Reasons

Amenity

4. The advertisement regulations state that factors relevant to amenity include the general characteristics of the locality. The Framework says that the quality and character of places can suffer when advertisements are poorly sited. The most relevant policy in the development plan is policy ENV1 of the East Riding Local Plan 2012-2029 Strategy Document Update (adopted 2021) (LP) which requires that proposals have regard to the site's context and the character of the area as well as to the amenity of existing properties.
5. The appeal site, a petrol filling station, sits at a busy four arm roundabout junction of the wide A1105 and the B1232 Beverley Road, within a wider residential area.

Within the vicinity of the roundabout are a number of commercial uses, including parades of shops with numerous associated signs and on the opposite sides of the roundabout there are two large paper billboards. The petrol filling station is approached from the roundabout with a forecourt in front of the building which contains a Morrisons grocery store and a Costa Express with a car wash building adjoined to the rear of the building. The building and forecourt display a number of signs, many of which are illuminated.

6. The proposal would consist of an internally illuminated digital sign, of some 6m x 3m, mounted 1.70m above ground level. It would be positioned on the eastern side boundary on the opposite side of the site from the forecourt, close to the exit point and adjacent to a residential property at 284 Boothferry Road. It would be clearly seen from both sides of Boothferry Road by pedestrians, by residents of the accommodation above the shops opposite and by drivers travelling eastwards along the road on the same side as the appeal site. Due to the width of Boothferry Road, it would only be seen within the context of the signs at the appeal site and not in the same context as other signs in the wider area. It would therefore be easily assimilated visually within this commercial context when seen from those viewpoints.
7. However, the dwelling at no 284 has a ground floor bay window and first floor window which would be sited in very close proximity to the back of the sign. Although the mature deciduous tree that stands in the front garden of that property would provide some screening when in leaf, at other times of year there would be a clear view, albeit at an oblique angle, of the back of the sign from those windows and when entering/exiting the front door to the property. Given its siting, size and height it would be unduly dominant when seen from there and this would result in significant harm to the amenity of those occupiers.
8. The position of the tree, possibly a flowering cherry that at the time of my visit had attractive autumn foliage, would be very close to the proposed sign which would partially obscure it. Whilst not the subject of a Tree Preservation Order, it is an attractive specimen and has some amenity value as the largest tree in this frontage, in providing some screening of the petrol filling station and in defining the boundary between the residential frontage and the appeal site. The canopy of the tree overhangs the appeal site and the plans indicate that the mounting post or panel would extend some 0.25m below ground level. There is no information regarding how the tree would be protected from the construction of the mount or the proximity of the sign. If the tree were to be damaged or lost, there would be significant harm to the amenity of the street scene and this adds to my concerns regarding residential amenity.
9. I conclude then that by reason of its siting, size and height, the proposed sign would result in significant harm to the amenity of the area in regard to the occupiers of the dwelling at no 284 and the adjacent tree within no 284.

Public safety

10. The appellant's highway safety report shows that the proposed sign would not significantly impact drivers travelling along the westbound carriageway of Boothferry Road, on the B1232 and Beverley Road approaches, or from west of the roundabout and then eastwards around the roundabout or into the petrol station. From what I have seen I would agree.

11. The report indicates that when exiting the roundabout and travelling eastwards along Boothferry Road, the sign would be in a nearside position and drivers would already be aware of it. The single lane carriageway does not facilitate the opportunity for lane changing manoeuvres and is straight with a speed limit of 30mph and street lighting. It finds that drivers would be aware of the sign when approaching the bus stop that is in close proximity to the sign and that bus drivers would use their mirror and wait for gaps before emerging. The sign would show only static images for ten seconds before swiftly changing and brightness would be lower than traffic signal levels and in line with the Institute of Lighting Professionals standards. It considers therefore that distraction would be minimised.
12. However, I noted at my visit that there were two or three vehicles parked alongside the footway in an on-carriageway cycle lane. Those drivers would then have to cross the chevron area in order to join the main eastbound carriageway and this would add a further distraction to drivers that is not reflected in the highways report. Although the cycle lane provides an appropriate sight line and forward visibility for cyclists to the proposed sign in line with safe stopping distances for cyclists set out in Local Transport Note 1/20 Guidance, the cycle lane is separated from vehicles by the chevrons before making an angled turn between the bus stop and the chevrons to then run alongside the carriageway. That creates an additional distraction to drivers. Beyond but adjacent to the bus stop, there is a dropped kerb pedestrian crossing from the footway outside no 284 to the central reservation of the road. It is sited some 8m from the proposed siting and whilst the face of the sign would not be seen from there by pedestrians, it is another feature of which drivers must be aware.
13. On exiting the forecourt, the sign would be clearly seen adjacent to the priority egresses from the petrol station and the associated dropped kerb vehicular crossings with Boothferry Road. Although it would be on the nearside and drivers leaving the forecourt would have some warning of it with clear visibility of the footway, I noted at my visit that there is a high level of activity in this area from customers, staff and vehicles. This is not reflected fully in the appellant's highways report either. Vehicles also emerge from the left from the two lane car wash that sits at the rear of the forecourt building, from the customer parking area and bins storage area at the rear of the site and from a residents' access that passes in front of the proposed sign's siting. I observed two cars parked alongside the boundary on which the sign would be sited, another car being dried by a member of staff after the car wash with a further car parked by the air machine. Some vehicles, rather than leaving the site, are entering the above areas at this point in front of the proposed siting.
14. Drivers exiting the site therefore have to be aware of a high level of activity within and outside the site and the proposed sign would add a further, significant distraction despite the existing good safety record of the area. I find, therefore, that the proposed sign, by reason of its siting, would significantly harm the highway safety of drivers, pedestrians and cyclists. It would be contrary to LP policy ENV1 which also seeks to ensure that proposals promote equality of safe access, movement and use.

Other matters

15. The appellant has suggested that the proposal would ensure a number of benefits, including tidy and maintained sites with bio-diversity net gain where the site allows,

an uplift in business rates to spend on public services, a reduction in vehicle trips and associated noise, air quality and climate benefits, the removal of multiple advertising sites and a reduction in clutter, a reduction in waste and better access to advertising displays for local businesses, the ability to broadcast emergency and public messaging and the opportunity to integrate additional hardware to meet the Smart City objective.

16. Whilst that might be the case, there is little substantive evidence of the benefits that would arise. In any case, those matters do not outweigh the significant harm that would be caused here.
17. The other examples cited are not directly comparable to this case which has a different context in regards to the surrounding area and the local highways conditions. They do not, therefore, set a precedent for this case.

Conclusion

18. I conclude then that the proposal would result in significant harm to both amenity and public safety and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector