
Appeal Decision

Site visit made on 10 March 2026

by **P Hatch BA (Hons) Ad. Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: APP/V2004/Z/25/3376927

24 Witham, Kingston-upon-Hull, HU9 1BY

- 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 Ltd against the decision of Kingston-Upon-Hull City Council.
 - The application Ref is 25/00869/ADV.
 - The development proposed is an erection of a digital advertisement display.
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Decision

1. The appeal is allowed, and advertisement consent is granted for the erection of a digital advertisement display as applied for at 24 Witham, Kingston-upon-Hull, HU9 1BY. 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 additional conditions set out in the attached schedule.

Procedural 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 and the Planning Practice Guidance reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

Main Issue

3. The Council has raised no objection in respect of public safety, and I observed nothing which would lead me to dispute this conclusion, subject to the suggested controls on luminance and display. Accordingly, the main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The appeal proposal relates to the erection of a digital advertisement display 3m in height, 6m in width and with a depth of 0.061m. The display would be positioned on the gable-end of a terrace property at a height of 4.7m above ground level. The proposed display would be located on the A165 (Witham) which is a busy route through the centre of Hull. Witham and its surrounding area are characterised by a range of commercial properties.
5. The commercial nature of the area results in a range of advertisements being noticeable from the street scene. These can range in size and orientation but are

generally non-illuminated fascia signs on premises. Whilst advertisements are, by their very nature, apparent from the street scene, they do not overly dominate the character of the area and are consistent with its wider commercial nature.

6. The most prominent existing advertisement on Witham is a digital display positioned on the gable end of a property which faces in the same direction as the proposed panel but is located on the opposite side of the road. The size of the existing panel is broadly the same as that proposed and would be largely set comfortably within the edges of the gable wall it would be viewed against. For these reasons, together with the context of predominantly large business plots along Witham on the approach towards the proposed advertisement display, it would not be excessively prominent. I would accept that an over prevalence of digital advertisement displays could result in excessive advertisement clutter if not managed correctly. However, in this instance the staggered nature of their respective position on opposite sides of this main road and their elevated height above fascia signs at ground floor level sufficiently mitigates their cumulative visual impact when viewed from the street. As a result, the adverse effects of concern to the Council would not be realised.
7. It is not uncommon for advertising to be a prominent feature within a commercial area and having visited the site I do not consider there to be an over prevalence of advertising. I therefore do not consider that the additional proposed digital display, when viewed cumulatively against other advertisements in the locality, would result in an excessive prominence nor constitute advertisement clutter when viewed from its surroundings.
8. Consequently, I conclude that the proposed digital display would not result in unacceptable advertisement clutter and would not have an adverse effect on the amenity of the area. Although not determinative, there would be no conflict with Policy 20 of the Hull Local Plan and would be consistent with the guidance contained in the Council's Supplementary Planning Document 8 (Advertisement Design Guidance) (SPD). This policy and SPD, respectively, guide that adverts should have an acceptable impact on amenity, including heritage assets, and be suited to their context.

Other Matters

9. The proposed display is located within the setting of the Plimsoll Ship Public House, which is a locally listed building. Grade II listed buildings are also located out of view of the proposed advert to the west. However, I note the Council have concluded that the proposed display would not harm the setting of these listed buildings and I observed nothing which would make me disagree with that conclusion.

Conditions

10. The appellant has suggested a number of conditions which I have considered. The Council has been provided with an opportunity to comment on those proposed conditions.
11. In the interests of public safety on the highway, the luminance of the advertisements, the frequency with which it changes and how quickly it changes needs to be controlled. For the same reason, the use of moving images, animation,

video, images that resemble road traffic signs and continued operation in the event of malfunction needs to be prevented. I have required these matters by condition.

Conclusion

12. For the reasons given above, I conclude that the display of the proposed advertisement would not have an adverse effect on the amenity of the area. The appeal should, therefore, be allowed and express consent granted subject to the five standard conditions in the Regulations and the additional conditions set out below.

P Hatch

INSPECTOR

Schedule of Conditions

- 1) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
- 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
- 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 6) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.