
Appeal Decision

Site visit made on 23 July 2014

by Edward Gerry BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2014

Appeal Ref: APP/X1735/H/14/2219455

Cowplain Pharmacy, 26-30 London Road, Cowplain, Hampshire PO8 8DL

- 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 Mr Vipul Patel against the decision of Havant Borough Council.
 - The application Ref APP/14/00218, dated 26 February 2014, was refused by notice dated 11 April 2014.
 - The advertisement proposed is 1No. LED screen display board.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the LED screen display board on the character and appearance of the area and on highway safety.

Reasons

3. The Council has drawn my attention to the policies and guidelines they consider to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Government's Planning Practice Guidance (the Guidance) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. Further to the above, the appellant makes reference to a document titled Outdoor advertisements and signs: a guide for developers (2007), published by the Department for Communities and Local Government, in support of the advertisement proposed. However, the publication dates back to 2007 and thus I give it limited weight particularly given the existence of more recent government guidance regarding advertisements.
5. The appeal site is located in an area which comprises of a mixture of commercial and residential uses and is adjacent to a traffic lighted junction on London Road. Nevertheless, it is set back from the road by approximately 8 metres and is situated at a slightly lower level than the road. In addition, there are a number of large trees located within the highway verge which do partly screen the appeal site when viewed from the London Road.

6. Paragraph 79 of the Guidance sets out that factors relevant to amenity in relation to advertisements include the general characteristics of a locality. Nonetheless, the Guidance does go on to state that issues surrounding amenity are 'a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case.'
7. I understand the reasoning for locating the LED screen display board where it is proposed. Also, whilst I acknowledge that some signs have been removed, in my view, the existing signage at the site is still excessive and the proposed display board would result in further unnecessary visual clutter which would have a detrimental impact on the area and the building on which it would be located. Additionally, I note the appellant's comments regarding the removal of a number of existing signs on the building should the proposed display board be granted planning permission. Nevertheless, there is no guarantee that the signs would be removed if the LED screen display board was granted planning permission.
8. Further to the above, given the locality of the appeal site within an area containing a mixture of commercial and residential uses the siting of a moving or flashing LED screen display board would be inappropriate. The light emitted would be likely to have a negative impact on the amenity of the local community particularly local residents. This adds to my overall concerns regarding the proposal.
9. Turning to the matter of highway safety, I acknowledge that the Cowplain Pharmacy building is set back approximately 8 metres from London Road. Nevertheless, paragraph 67 of the Guidance details that proposed advertisements at points where drivers need to take more care, such as junctions and pedestrian crossings, are more likely to affect public safety. Given the advertisement would be located in close vicinity of both a junction and a pedestrian crossing the proposed advert poses a particular risk to public safety.
10. Also, paragraph 68 of the Guidance specifies the types of adverts that could cause a danger to road users. This includes those that would be likely to distract road users as a result of their unusual nature. In addition, those externally or internally illuminated signs including those using light emitting diode technology. Although, I note that the colours used on the LED display board would be carefully selected so that they are different to the traffic signals, and the brightness of the LED screen would be kept to a minimum so that it would not distract road users, the means of illumination would still be directly visible from the London Road. Additionally, it would be difficult for the Council to control the colour, brightness and type of display and the frequency of changes to the display.
11. I have taken into account the appellant's comments in respect of the proposal's promotional role in attracting more people to the area and thus the benefit it would provide for local businesses and community facilities. Furthermore, his comments in respect of the environmental credentials of the proposed advert and the fact that the Council has only received one objection letter to the proposed advert which came from a direct business competitor. However, these matters do not persuade me that the LED screen display board would be acceptable on amenity or public safety grounds.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed as the LED screen display board would be detrimental to the interests of amenity and public safety.

Edward Gerry

INSPECTOR