



Appeal Decision

Site Visit made on 8 October 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/H4505/H/21/3274690

Dutton Court, Chain Bridge Road, Blaydon NE21 5ST

- 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 Group Limited against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/20/00898/ADV, dated 18 September 2020, was refused by notice dated 18 March 2021.
 - The advertisement proposed is Upgrade of 2no. existing 48 sheet adverts with "D-Posters" which will display digital and illuminated advertisements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council issued a split decision in which express advertisement consent was granted for the digital and illuminated advertisement display referred to as 'Sign D'. As such, and, for the avoidance of doubt, the appeal before me relates only to the proposed advertisement referred to as 'Sign C'.

Main Issue

3. The main issue is the effect of the proposed advertisement on public safety.

Reasons

4. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network such as the A695 and the Planning Practice Guidance (the Guidance) recognises that they are not generally of an 'unusual nature'. Although the Guidance advises that they are generally unlikely to be a distraction to road users in normal driving conditions, it also advises that public safety could be affected where advertisements are located, for example, at junctions or where local conditions present traffic hazards.
5. The existing digital display on the other side of the road draws the eye more than the non-digital sign at the appeal site, due to the digital advertisement's brightness and rotating images. The introduction of another digital display would result in two sets of changing images within the same field of view to vehicles travelling east.
6. Even though the proposal would change its image every 10 seconds, thus reducing the risk of drivers seeing multiple images on the proposed display, there would be instances where passing motorists would observe the change in display at both the existing and proposed advertisement. Any change in image would draw the eye and encourage a motorist to look towards the display to

see the new advert and this would be compounded with two changeable displays clearly visible and prominent to approaching traffic.

7. At the proposed location the speed limit is 70mph and whilst many vehicles may travel slower, particularly when there is a high volume of traffic, vehicles were travelling at speed during my afternoon site visit, and I have no substantive evidence of the average speed levels along the road.
8. There are access points very close to the appeal site where vehicles enter and exit immediately onto the A695, and whilst there is good visibility, there is no acceleration or deceleration lane. As such, road users may need to react to vehicles entering or leaving the access points. There is not a history of high levels of accidents along this stretch of road and the road layout and junctions are not overly complicated, with good forward visibility along the road. However, when drivers are traveling at speed any small distraction could lead to a collision as vehicles manoeuvre. As such, the introduction of a second rotating digital display in the same field of view of oncoming traffic would increase the level of risk from such a distraction to an unacceptable level.
9. The existing advertisement is immediately adjacent to, and slightly forward of, a highways direction sign, signalling to motorists the approaching junction for an industrial estate and marina. The proposal would not obscure the sign and drivers do assimilate sensory inputs from multiple sources when driving. However, the greater prominence and changing display near this directional sign would draw motorist's attention away from reading it.
10. Although digital advertisements have been granted consent elsewhere along the road and in other similar transport networks around the country, I am required to consider the proposal on its merits. My concerns relate, not to the principle of digital advertisements, but to the specific local conditions on this highway where it would be seen in combination with another similar display.
11. Conditions have been suggested by the appellant which would control amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, the matters covered by the suggested conditions would not overcome my fundamental concern over the potential distraction caused by a further prominent changing advert visible to oncoming traffic.
12. As such, I conclude that the proposed digital advertisement display would prejudice public safety in the area. The Council has cited the National Planning Policy Framework and the Guidance in its reason for refusal and I have taken them into account as material considerations. However, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

Conclusion

13. For the reasons given above, the appeal is dismissed

Mr R Walker

INSPECTOR