



# Appeal Decision

Site visit made on 7 January 2010

by **Noel Hutchinson**

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

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**Decision date:**  
**29 January 2010**

**Appeal Ref: APP/Y3940/H/09/2111516**

**Royal Mail Sorting Office, Fisherton Street, Salisbury SP2 7QP**

- 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 Clear Channel UK Ltd against the decision of Wiltshire Council.
- The application Ref S/2009/931/ADV, dated 25 June 2009, was refused by notice dated 4 August 2009.
- The advertisement proposed is a 48-sheet poster panel.

## Decision

1. I allow the appeal, and grant consent for the display of the 48-sheet poster panel as applied for. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
  - 1) The panel shall not incorporate any mechanism or device, electronic or mechanical, to provide a changing display.
  - 2) The panel and its advertisement display shall not be illuminated.

## Main issue

2. I consider the main issue to be the affect of the non-illuminated poster panel on public safety.

## Reasons

3. This proposal follows an earlier decision by the Council to refuse consent to display a 48-sheet "Ultravision" panel on the same site, a decision upheld recently on appeal (APP/Y3940/H/09/2098756). The Inspector dismissed the appeal on grounds of public safety, while concluding that the display would not harm amenity.
4. The Council's grounds for refusal were restricted to matters of public safety. For this reason and the views expressed in the previous appeal decision I do not propose considering matters of amenity and have restricted myself to those of public safety.
5. This revised proposal is for a static display rather than the changing form of the Ultravision. The building is sited at the back of the pavement and the panel would be displayed on its north east facing gable wall between first and second floor level. The combination of its height above ground level, its proximity to the road and the open expanse of yard and adjoining road would ensure

significant exposure. Its visibility coupled with the display measuring some 6m wide by 3m high, would give the panel prominence.

6. The building adjoins a short busy section of road from the northern end of the Ring Road into the City before passing under the railway bridge and a mini-roundabout junction with South Western Road leading to the station. With its various road junctions and the traffic light controlled pedestrian crossing those driving into the City will need to respond by exercising an appropriate level of care. Any lapse of concentration could result in an accident and I have therefore given careful consideration to the accident statistics provided by the Council. However, while a busy urban location I do not consider that the road presents any special difficulties for road users.
7. Poster panels within urban areas are a familiar sight to motorists and I see no evidence to suggest that the panel would prove a special distraction. PPG 19 recognises that all outdoor advertisements are intended to catch the eye of passers-by, if only fleetingly. However it qualifies this by stating that the vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
8. In this case the static panel, together with the other large panels next to the railway bridge, would be readily visible to drivers travelling into the City. As a familiar form of advertising, I am not persuaded that the panel, in its static form, would prove to be an unacceptable distraction to road users. Furthermore, because of its range of visibility it would not appear suddenly. Its message would be quickly assimilated and would not in my opinion compete with, or detract from, the effectiveness of the lights controlling the pedestrian crossing. In my view the panel would not appear so unusual, or be sited in a way that it would appear as a sudden feature, that it would be likely to distract road users and cause a hazard to public safety.
9. For the reasons given above I conclude that the display of the 48-sheet poster panel would not be detrimental to the interests of public safety.

*Noel Hutchinson*

INSPECTOR