

DARLINGTON BOROUGH COUNCIL
APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	25/01374/ADV
APPEAL REF.:	6007317
LOCATION:	Car Park Adjacent To 28 West Auckland Road, Darlington
DESCRIPTION:	Display of 1No. freestanding internally illuminated LED advertising display unit
APPLICANT:	Mr Gary Cockerill

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY:

1. This appeal follows the refusal of advertisement consent as described above, which would have been situated adjacent the gable wall of 58-60 West Auckland Road. The application was considered and refused owing to the impacts upon visual amenity and the amenity impact upon disabled parking.

REASON(S) FOR REFUSAL:

2. In the opinion of the Local Planning Authority, the proposed freestanding advertisement by virtue of its scale, siting and illumination is considered to form a large and incongruous feature within the street scene, to the detriment of the character and appearance of this urban area. The proposal is therefore contrary to local policy DC1 of the Darlington Local Plan (2016-2036) and paragraph 141 of the National Planning Policy Framework (2024).
3. In the opinion of the Local Planning Authority, the proposed freestanding advertisement by virtue of its location, would encroach onto the hatched markings of a disabled parking bay and as a result, would cause an obstruction that would reduce pedestrian accessibility for those using this disabled parking bay. The proposal would impact upon the quality of car parking that could reasonably be expected to be available and free from obstruction, thereby creating accessibility issues to the detriment and disadvantage of those with disabilities/ reduced mobility. The proposal is therefore contrary to local policies IN2 and IN4 of the Darlington Local Plan (2016-2036) as well as paragraphs 113 and 117 of National Planning Policy Framework (2024).

KEY POINTS TO NOTE:

4. The inspector concluded that the second reason for refusal (the impact upon disabled parking) could be overcome and would not therefore amount to a reason for refusal. However, they did agree with the first reason regarding the impact upon visual amenity. Therefore, the appeal was dismissed due to visual amenity impacts.

SUMMARY OF DISMISSED APPEAL:

5. The inspector noted that there are commercial and residential uses, with a mix of advertisements. They noted that the existing advertisements are mainly located on unit frontages and are not of the scale and form of this proposed signage. They concluded that the proposed scale and illumination would create a prominent and obtrusive feature. The sequentially changing nature of the images was also considered to draw further attention to the sign and create a feature that would be notably different in character compared to the existing signage of this area. The appellant suggested that the level of illumination and operation be controlled by way of conditions. The inspector did not conclude that such conditions would mitigate for the scale and obtrusive location.
6. Although the inspector accepted that the existing gable wall is prominent within the streetscape, they commented that it is an 'understated' feature. Therefore, the backdrop of the gable wall was not sufficient in this instance to allow the signage, because the proposed signage was considered to create a contrast with the 'extant and understated appearance of the gable'.
7. The inspector also concluded that the proposed advertisement would create an intrusive and dominant feature in views achieved from nearby residential properties. Controlling the illumination and hours of operation would not mitigate for the introduction of a large elevated and illuminated advertisement. In addition, the change in images was considered to 'draw the eye and be an unduly distracting feature for residents.'
8. The appellant made reference to a previous hoarding sign that was installed on the gable wall historically. But the inspector gave little weight to the previous hoarding sign given the length of time since it was previously in place and that the proposed advertisement would be materially different to that previous signage.
9. The appellant submitted details of other advertisements granted elsewhere. The inspector did not consider that they mirrored the circumstances of this case. Nevertheless, the inspector determined this appeal on its own merits.
10. Regarding the disabled parking issue, the inspector agreed that the one of the supporting poles for the proposed advertisement would be located within an area used as a disabled car parking space. The submitted details of the application, indicated that one of the poles would be situated within a hatched area around the parking space, thereby hindering access to the vehicle for those with disabilities. The inspector agreed with this conclusion and argued that this matter could be dealt with as an amenity issue under the advertisement consent process.
11. The appellant submitted a revised layout of the car park as part of the appeals process, which showed the disabled parking bay being moved away from the advertisement. The inspector considered that the amended layout plan could address this issue and could have been secured by way of a condition. However, due to the above

conclusions regarding the harm to the visual amenity for the area, the appeal was still dismissed.

12. The appellant referred to a number of benefits arising from this advertisement, such as economic benefits and the form of advertisement being more energy efficient. However, the inspector concluded that advertisements are to be considered only in the interests of amenity and public safety, and so the benefits did not weigh in favour of the appeal.