



Appeal Decision

Site Visit made on 15 February 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/G4240/Z/21/3266626

Advertising to the right of 90 Hyde Road, Denton M34 3BA

- 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 Tameside Metropolitan Borough Council.
 - The application Ref 20/00916/ADV, dated 28 August 2020, was refused by notice dated 17 November 2020.
 - The advertisement proposed is described as 'update of existing sheet advertisement to support a digital equivalent which will display static advertisements on rotation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed digital advertisement on the amenity of the surrounding area and on public safety.

Reasons

Amenity

4. The appeal relates to the west-facing gable of 90 Hyde Road, a two-storey end of terrace dwelling, at the junction with Bentley Road. The surrounding area is predominantly characterised by residential properties and some limited commercial premises, including a handful of small business units opposite the site along with a car sales forecourt.
5. The proposal would see the existing 48 sheet externally illuminated poster display replaced by an internally illuminated digital LED display of equivalent size, measuring 6 metres by 3 metres and set 3 metres above the ground. It would display static digital images on a 10 second sequential rotation.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. Given the predominantly residential character of the area, the proposed advertisement, owing to its scale and method of illumination, and in the absence of other digital advertisements of a similar scale or appearance, would appear as a highly prominent and visually obtrusive feature. Its digital LED method of illumination, while below best practice guidance for brightness, would stand out from other advertisements in the area and thus dominate the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area.
7. I acknowledge that the proposal would replace a long-established advertisement of an equivalent scale and that such advertisements are evident across the UK. There is also a high degree of street and security lighting in the area. Nonetheless, the proposal's digital LED illumination, whilst not comprising moving or flashing images, would be markedly different to the existing externally illuminated display, thereby materially altering the appearance of the street scene to the detriment of the surrounding area.
8. I note that the site is not located within a conservation area nor is it located within or in close proximity to any other heritage assets or any landscape or environmental designations. However, the lack of conservation area status or proximity to other heritage or environmental designations does not in itself justify poorly placed advertisements nor does it indicate that an area is lacking in character or aesthetic qualities.
9. The appellant suggests that the proposal would incorporate contemporary and high quality materials as an upgrade of the existing advertisement. However, there is little in the proposed design to persuade me that this represents an enhancement to the site or an improvement in the appearance of the existing display. Overall, the proposal appears to be of a basic and functional design.
10. Accordingly, I find that the advertisement would appear as a prominent and incongruous feature that would be harmful to the visual amenity of the surrounding area. Hence, the proposal would conflict with Policy C1 of the Tameside Unitary Development Plan, in so far as that policy seeks to protect the amenity of the surrounding area.

Public Safety

11. The Planning Practice Guidance (PPG) advises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
12. The advertisement would be located in close proximity to a busy signalised junction with multiple pedestrian crossings. At this point traffic is entering and leaving Hyde Road from Lance Corporal Andrew Breeze Way and to a lesser degree from Bentley Road. I observed during my visit that this was a particularly busy road junction and, as a principal road through the area, it is likely to remain busy throughout the day and into the evening.
13. The proposed advertisement would be particularly visible to eastbound traffic and owing to its scale and method of illumination would provide an unduly vivid

and prominent visual feature that would attract the attention of motorists on the approach to the junction. This would result in a distracting feature at a point at which drivers have to interpret traffic signals, make decisions about their direction of travel and accommodate other motorists entering or leaving the junction, as well as being vigilant to pedestrians crossing the road.

14. The proposed advertisement would be a distracting feature for drivers approaching from the west and when travelling through the signalised junction. The proposed large internally illuminated display could hinder their interpretation of the traffic light signals and reduce their vigilance of pedestrians crossing or other vehicles entering the junction. Primarily my concern is that a driver could be distracted by the illuminated glare and prominent appearance of the proposed advertisement, or at the point of change over of advertisements, and as a result may fail to stop at a red light, resulting in a collision with another vehicle or pedestrian.
15. In arriving at this view, I have given careful consideration to the content of the appellant's Highways Technical Note² which, amongst other things, indicates low historical accident records for the area and that there would be little overlap between the proposed advertisement and the signal heads of the adjacent junction. Nonetheless, the lack of recorded accidents is not a persuasive justification to increase the risk of an accident occurring in the future and even a limited overlap between the signal heads and the proposed advertisements has the potential to cause distraction and confusion. Consequently, there is nothing in the Technical Note that leads me away from my findings on this main issue.
16. Taking the above points together, I find that the proposal would be a highly prominent feature that would be distracting to users of the adjacent highway and would therefore have a detrimental effect on public safety. This would be contrary to the provisions of the National Planning Policy Framework which seek to control advertisements in the interest of public safety.

Other Matters

17. The appellant has suggested a number of conditions to minimise the impact of the advertisement, including: limiting the levels of illumination; limiting the speed of change of advert; to ensure no moving images; and, restricting the hours of its use. However, I am not persuaded that the suggested conditions would be sufficient to overcome the harm I have identified to amenity or public safety.
18. My attention is drawn to 'Transport for London – Guidance for Digital Roadside Advertising and Proposed Best Practice', but as the appeal relates to a site within the administrative area of Tameside Metropolitan Borough this guidance is of little relevance.
19. To support the appeal, I am also referred to recent appeal decisions for advertisements granted consent at Mount Road, Gorton³ and Froghall Lane, Warrington⁴. However, I do not have the full details of these other cases before me and cannot therefore be certain that they offer a direct comparison to the appeal proposal or its site-specific context. In any case, I have considered the

² Highways Technical Note 01 prepared on behalf of Wildstone by Axis, dated January 2021

³ Appeal Ref. APP/B4215/Z/20/3260828

⁴ Appeal Ref. APP/M0655/Z/17/3178314

appeal proposal on its own merits and reached my own conclusions on the evidence before me.

20. The appellant suggests there would be environmental benefits from a reduction in poster paper used for the current advertisement and social benefits via the use of the display for emergency messaging, charitable campaigns and public art. It is also put to me that there would be an increase in business rates due to the Council, therefore providing wider economic benefits to the surrounding area. However, these benefits would be limited and would not outweigh the totality of the harm I have identified in this case.

Conclusion

21. I have found that the proposal would be harmful to the amenity of the surrounding area and it would present a significant risk to public safety. For these reasons, the appeal is dismissed.

J M Tweddle

INSPECTOR