

Appeal Decision

Site visit made on 28 September 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/G4240/Z/21/3277571

Land on south side of Hyde Road, Denton M34 3EH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/01238/ADV, dated 10 December 2020, was refused by notice dated 28 April 2021.
 - The advertisement proposed is the erection of an internally illuminated digital poster advertisement which will display static advertisements on rotation.
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Decision

1. The appeal is allowed, and express consent is granted for the erection of an internally illuminated digital poster advertisement which will display static advertisements on rotation, as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following conditions:
 - 1) No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.
 - 2) The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing and a smooth instant change into the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays.
 - 3) During the hours of darkness the illumination level shall be no greater than 150 candelas per square metre during night-time hours and 300 candelas per square metre during twilight and in low light conditions. At all other times the illumination level shall not exceed 600 candelas per square metre. The display shall be equipped with a dimmer control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 4) The digital display shall be switched off between the hours of 00:00hrs and 05:00hrs.
 - 5) The sequential advertisement on any display panel shall not change more than once every ten seconds.

6) The display shall at all times maintain a safety feature that will turn the screen off (ie shows a black screen) in the event that the display experiences a malfunction or error.

Procedural Matters

2. For clarity, I have taken the description of development from the Council's decision notice and other appeal documents submitted by the appellant, as it is more precise than that given on the application form.
3. The appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the details considered at appeal stage are essentially the same as those considered and consulted upon by the Council at planning application stage. The intended revision is to increase the level of luminance to that stated on the application form. The revision evolves and materially alters the scheme that was originally submitted. Thus, I do not accept the revision and shall consider the appeal based on the level of luminance that was originally submitted to the Council for determination.
4. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. I consider that there have been no fundamental changes relevant to the main issue in this appeal and therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.
5. 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 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 Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

6. Neither the Highway Authority, nor the Council, has raised an objection to the proposal in public safety terms, and I have little reason to disagree with this view.
7. Therefore, the main issue is the effect of the advertisement on the amenity of the appeal site and surrounding area.

Reasons

8. The appeal site comprises a raised area of land, which until recently had 2no. externally illuminated poster boards sited upon it. The site is located adjacent to Hyde Road (A57) and is set back from the carriageway, which is a busy urban road with a slip road joining the A57 from the M67 in proximity. The area is of mixed use with both residential and commercial properties.
9. During my visit, I viewed the site from various locations along the A57. The previous poster hoarding, albeit now removed, is a consideration to which I give moderate weight in this appeal, as it was of a similar size and in a similar position to the appeal scheme. However, I am mindful that whilst the proposal has similar dimensions to the previous poster hoarding and is in a similar

location, the main difference is that the appeal proposal would be of a digital format and would incorporate changing images. During my visit, I also noted the existing poster hoarding on the gable end of 292 Hyde Road and the modest dual display on the opposite side of the A57 to the site.

10. Overall, I find that the proposed signage would not be excessive and would not appear out of place in local views or stand out as an incongruous feature in relation to its surroundings. Additionally, the display unit would not directly face any properties on the opposite side of the A57. Accordingly, I am satisfied that, subject to appropriate safeguards relating to the level of illumination and related matters, the appeal proposal would not be over dominant or form an intrusive feature to the detriment of the surrounding area.
11. I therefore consider that the advertisement would be generally compliant with the design, character and appearance aims of Policy C1 of the Tameside Unitary Development Plan (2004) and the requirements of the Framework. I am also satisfied that the appeal scheme would accord with the recommendations of the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements.

Conditions

12. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the PPG, revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point, but have attached conditions more consistent in their necessity and form with the relevant advice.
13. The additional suggested conditions relate to the proposed level of illumination, and the nature of the advertisements. In the interests of visual amenity, I consider it reasonable and necessary to impose conditions to that effect broadly along the lines proposed. However, for reasons of enforceability, it is reasonable and necessary to include an upper luminance limit during daylight hours and the display includes a sensor to adapt to changing light levels, whilst incorporating a safety feature.

Conclusion

14. The proposed advertisement would not have a detrimental visual effect on the amenity of the appeal site and the surrounding area. For the reasons set out above, I conclude that the appeal should be allowed.

W Johnson

INSPECTOR