



Appeal Decision

Site visit made on 10 May 2022

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022

Appeal Ref: APP/G4240/Z/22/3293550

Advertising right adjacent 47 Clarendon Place, Hyde SK14 2ND

- 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 Estates Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/01306/ADV, dated 28 October 2021, was refused by notice dated 12 January 2022.
 - The advertisement proposed is replacement of previously in place poster to digital equivalent poster.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Regulations¹ require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. I have taken account of the policies the Council considers to be relevant to this appeal insofar as they relate to amenity and public safety.

Main Issue

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

Reasons

Amenity

4. The appeal site relates to the gable end of a two-storey terraced property, on the junction with Mottram Road, Clark Way and Union Street. The site directly faces the junction and is prominently located. The area is characterised by both residential and commercial properties with the town centre and Clarendon Place Shopping Centre adjacent, Morrisons superstore is towards the east and a drive thru KFC towards the west/south.
5. The proposed advertisement would replace a former advert. However, as I observed at the time of the site visit there was no existing externally lit hoarding with only two relatively small advertisements in place relating to the carpet shop, on the gable wall. Nonetheless, the proposed advertisement would

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

- be internally illuminated with a large digital display screen and would be sited in a similar position to that what was in situ in previous years.
6. The appellant advises that the proposed 'D-poster' would be controlled by light sensors to vary brightness and luminance levels throughout the day with digital static images sent electronically to the screen. The frequency of the advertisement on display would be once every ten seconds, take place instantly with no sequencing, fading, flashing or other effects. Luminance levels for both night and daytime would be in accordance with the Institute of Lighting Professionals best practice guide².
 7. Despite the proposed advertisement replacing an existing hoarding and being of similar proportions. The digital advertisement would still be of a substantial size and positioned prominently at a higher level on the side elevation of the property with multiple viewing angles in and around the site. It would be seen from both long- and short-range views when approaching from the westbound/northbound along Mottram Road and Union Street, by vehicles, residents and visitors to the area.
 8. The existing commercial advertisements on premises in the vicinity of the site are modest in size, with signage being both internally and externally illuminated. Therefore, whilst I accept that some of the signage is illuminated, and of variety there are no digital screens within the immediate area. Even with the illumination levels restricted during the hours of darkness, the proposed digital screen would introduce a large, permanent illumination that would draw the eye when passing and would appear conspicuous in the context of the character of the immediate area, particularly at the junction which is a busy intersection.
 9. I recognise that the streetscape is varied and includes a range of residential and commercial properties along Clarendon Place, Mottram Road and Union Road. Nonetheless, the proposed advertisement would be clearly discernible in views, exacerbated by its digital screen presence and located in an area where there is no presence of large-scale advertising hoardings or digital screens. Therefore, it would result in an obtrusive and incongruous addition which would be visually harmful to the amenity of the immediate and wider vicinity of the street scene.
 10. I do not consider that the 'fact' a previous advert had been in situ for a long period justifies the harm that would be caused by the proposed digital screen advertisement. Particularly as the previous advert was not internally illuminated. Notwithstanding, that it was externally lit some years ago, this was not the case when I visited the site. Therefore, I do not consider that the level of illumination or height is comparable or a 'like for like' between the previous advert to be replaced and the proposal.
 11. Consequently, I conclude that due to its siting, design, height and type of illumination, the proposed advertisement would have a significant adverse effect on the amenity of the area. It would be contrary to Policy C1 of the Tameside Unitary Development Plan, 2004, in so far as that policy seeks to protect the amenity of the surrounding area.

² The Brightness of Illuminated Advertisements PLG05 2015

Public Safety

12. The PPG³ 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. This includes, junctions, pedestrian crossings or other places where local conditions present traffic hazards.
13. Advertisements which may cause danger to road users are those which obstruct or impair sightlines, at a junction, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic signal, or would be likely to distract road-users because of their unusual nature; Internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology, where the means of illumination is directly visible from any part of the road, cause confusion with traffic lights, result in glare and dazzle or distraction.
14. The proposed advertisement due to the scale, siting and method of illumination would be a distraction for westbound/northbound traffic from Union Street and Mottram Road. It would be a prominent visual feature at a high level, attracting the attention of motorists on approach to the junction and pedestrian crossings. At which point those drivers would have to interpret traffic signals, make decisions about their direction of travel and accommodate other motorists entering or leaving the signalised junction, as well as being vigilant to pedestrians crossing the roads. Furthermore, it would be directly within the sight line of the primary and secondary signals which are immediately in front of the siting of the proposed advertisement.
15. Therefore, the proposed advertisement, would be overly distracting, hindering the interpretation of the traffic light signals, causing glare and dazzle, and reducing driver vigilance of pedestrians using the crossing. This would be dangerous for any driver on junction approach or pedestrians using the crossings at the junction and would not be in the best interests of highway safety.
16. I acknowledge that there has been previous signage in proximity to the highway, but this was not a digital screen or internally illuminated. I do not consider the KFC adverts are comparable and the advertisement would be seen in context of these to highway users, particularly as those adverts are not directly facing the junction, oncoming traffic or pedestrian crossings. Neither does having only one digital sign at the site, Clarendon Place limitations on west traffic or the reliance of anyone exercising a reasonable standard of care justify the siting of an illuminated digital advertisement which causes a distraction and would cause danger to all road users.
17. Taking the above points together, I conclude the proposed advertisement would be a prominent feature and it would result in a distraction for users of the highway and would have a significant detrimental impact on public safety. This would be contrary to the provisions of the Framework and the guidance within the PPG, which seek to control advertisements in the interests of public safety.

³ Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014, Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

Other Matters

18. The appellant has suggested a number of conditions to minimise the impact of the advertisement, including limiting luminance levels, no moving images or flashing lights and restricting the hours of use. However, I am not persuaded that such conditions would be sufficient to overcome the harm I have identified to amenity or public safety.
19. In support of the appeal, I have been referred to examples in Warrington and Manchester. However, I have limited details of these and on the basis of the photographs I cannot be certain that they are directly comparable to the appeal proposal or its site-specific and locational context. In any case, I have considered the proposal in respect of national planning policy and the evidence before me.
20. The appellant has raised the matter of residential amenity, and there would be no impact to the living conditions of nearby residents. Whilst this may be the case, the Council did not include this as a reason for refusal and the factors relevant to this appeal relate to 'visual' amenity and public safety. I have considered the appeal on this basis, and as set out in the definitions in the PPG.

Conclusion

21. For the reasons given above, the proposed advertisement would harm amenity of the surrounding area and it would present a significant risk to public safety. Therefore, the appeal should be dismissed.

K A Taylor

INSPECTOR