



Appeal Decision

Site visit made on 5 February 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2018

Appeal Ref: APP/G4240/Z/17/3188389

292 Hyde Road, Denton M34 3EH

- 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 Mr Richard Page on behalf of Insite Poster Properties Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 17/00616/ADV, dated 14 July 2017, was refused by notice dated 14 September 2017.
 - The advertisement proposed is the replacement of existing 1no 48 sheet advertising display with 1no illuminated 48 sheet digital LED advertisement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on the living conditions of the occupants of the neighbouring residential property, No 290 Hyde Road, with regard to light disturbance; and, the effect of the proposed advertisement on the character and appearance of the area.

Reasons

Living Conditions

3. The proposal would be of a similar size and displayed in a similar position as the existing advertisement. The gable wall that the advertisement would be displayed on is directly opposite two windows in the gable end of No 290 Hyde Road. It is not clear what the exact distance would be between the advertisement and the windows. Nevertheless, they would be within close proximity of each other.
4. The advertisement would display illuminated static images that would change every 10 seconds. Whilst the luminance level would be in accordance with the recommended guidance of the Institution of Lighting Professionals, this guidance seems to be with regard to light pollution in general rather than specific to the effect it can have on individual properties.
5. As a result of its size and proximity to the neighbouring windows, I consider that the illuminated advertisement would disturb the occupants of No 290 Hyde Road by creating a dominant visual intrusion that would significantly harm the usability of the rooms that these windows serve. This harm would be exacerbated by the frequent changing of the images.

6. I have had regard to the appellants suggested reduction in the luminance levels. However, even at lower levels the luminance of the advertisement and the constant changing of images would still result in an unacceptable visual intrusion.
7. I have also had regard to the suggested condition restricting the hours of use of the advertisement. Whilst this would assist in reducing the harm it would have during the night, the advertisement would still be unacceptably visually intrusive during the day, perhaps even more so as blinds and/or curtains are less likely to be drawn during the daytime hours.
8. I find therefore that the advertisement would significantly harm the living conditions of the occupants of No 290 Hyde Road, contrary to the objectives of the National Planning Policy Framework (the Framework), which seek to protect residential amenity.

Visual Amenity

9. The appeal site is within a predominantly residential area although there is a public house on the opposite side of Hyde Road and a commercial business further to the east. There is also light industry to the south east, behind the residential properties fronting Hyde Road. However, this is not read in the same streetscene context as the appeal site and its neighbouring properties on Hyde Road.
10. Notwithstanding the largely residential appearance of the immediate area, during my site visit I noted that there are a number of advertisements within proximity of the site. The public house has a number of signs; there is a free standing sign on the north side of Hyde Road to the west of the site; and, there is 'V' board with two advertisements of a similar size to the proposal, which appeared to have down lighters to illuminate the display boards. In addition, and most notably, there is the existing advertisement that the proposal would replace. Therefore, it is reasonable to conclude that the character and appearance of the area is partly composed of advertisements.
11. As the proposal is of a similar size and position to the existing advertisement, the question is whether or not the illumination and changing images of the advertisement would be significantly harmful to the character and appearance of the area. Whilst there are a number of advertisements in the vicinity of the site, these have static images that do not change. Furthermore, the only existing form of illumination is by way of down lighters. The introduction of a digital advertisement board with constantly changing images would introduce a more commercialised form of advertisement that would significantly detract from the residential character of the area. By reason of its illumination, the visual prominence of the advertisement would dominate the streetscene and introduce a discordant feature, and by doing so harm the character and appearance of the area.
12. Paragraph 67 of the Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. In this case, there would be a significant adverse impact on the character and appearance of the area, contrary to the Framework.

Conclusion

13. For the reasons given above, and having had regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR