

Appeal Decision

Site visit made on 2 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 June 2017

Appeal Ref: APP/F4410/Z/17/3172655

87-89 St Sepulchre Gate, Doncaster DN1 1RU

- 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 Lior Bibi against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/03104/ADV, dated 9 December 2016, was refused by notice dated 3 February 2017.
 - The advertisement proposed is wall mounted digital advertisement display measuring 3m by 6m and associated logo box.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has referred to the proposed expansion of the Doncaster High Street Conservation Area to include the appeal site. However, I have not been provided with any evidence relating to the formal status of the expanded boundary to the CA, including whether any public consultation has taken place. Consequently, I have determined the appeal on the basis that the existing boundary to the CA remains unchanged.
 3. In refusing the application, the Council refers to conflicts with saved policy ENV 58, of the Doncaster Unitary Development Plan, (UDP) adopted July 1998 which requires advertisements not to detract from amenity or public safety, or from the character of the local environment or buildings. Reference is also made to saved policy ENV 25 of the UDP and policy CS15 of the Core Strategy 2011- 2028 adopted May 2012, which relate, amongst other matters to the preservation and enhancement of heritage assets, including the setting of a Conservation Area.
 4. The Regulations and paragraph 67 of the Framework both make clear that advertisements should only be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. On this basis, the Council's policies alone cannot be decisive. In addition, the necessity for, and the content of any advertisement is not a matter before me.
 5. In determining the appeal I was aware that the appellant's Road Safety Assessment, referred to within its Statement of Case, had not been submitted with the appeal documentation. In the interests of completeness I requested a copy which was also provided to the Council for information.
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6. Erroneous reference is made within the Council's case to the proposed advertisement as two internally illuminated signs. I have determined the appeal on the basis of the description within the application form of one wall mounted digital advertisement measuring 3m by 6m and an associated logo box.

Main Issues

7. The main issues in this case are the effect of the proposed display on the amenity of the area and its effect on public safety.

Reasons

Amenity

8. The host building is of a simple 1930's flat roof design which forms part of a block of buildings which have a visually important location on the edge of St Sepulchre Gate which is a gateway to the town centre, albeit, some of the buildings appear in need of investment. This group of buildings contrasts with the larger commercial development on the opposite side of Trafford Way, such as the modern office block and Plumb Centre retail warehouse.
9. The host property consists of two visually distinct parts. The first is a large shop unit at ground floor level, which is currently occupied by co-operative funeralcare. Above this, is a bulky, projecting horizontal canopy with two floors above, incorporating large windows with a strong horizontal emphasis, divided by brick piers. The second part of the building is a narrow unit which is characterised by a plain, blank, brick façade at first and second floor level.
10. The blank expanse of brickwork complements the simple subtle design of the building. The introduction of the digital advertisement display which would extend beyond the line of the top of the second floor windows would appear incongruous. The vertical emphasis, scale and bulky nature of the proposal together with the fact that it would be illuminated would overwhelm the host property and appear visually intrusive within the street scene, and would therefore be detrimental to the interests of visual amenity. There would be conflict, in this regard with the development plan policy referred to by the Council, and the Framework.
11. I have carefully considered the examples provided by the appellant of illuminated advertisements within commercial contexts. I also took the opportunity to visit the existing digital screen at the Frenchgate Shopping Centre and to view its impact on the nearby listed buildings. However, the circumstances of the appeal before me are substantively different. The scale of the host property is considerably more modest than the modern Frenchgate Centre. The location of the property is less appropriate for a digital display, as it is not in the middle of the commercial area, where such advertisements are appropriate. The Planning Practice Guidance indicates that the local characteristics of the neighbourhood are important. In this case the building is located at the gateway into the town centre. It is important to differentiate clearly between the larger visually less sensitive commercial developments, and the small scale secondary units which form the entry to the town centre.
12. In coming to my conclusion, I have also taken into account the lack of large scale similar advertisements within the wider area, and that the advertisements referred to by the Council as raising similar concerns are the subject of

enforcement action. However, I do not consider that this weighs in favour of the proposal.

Highway safety

13. The elevation of the building which would host the proposed advertisement is set at an oblique angle to Trafford Way (A630) to the left of three lanes accommodating traffic travelling in a south easterly direction. There are two traffic signals at the corners of the junction of St Sepulchre Gate and Trafford Way and two located on the central reservation which divides the busy thoroughfare. These traffic lights, together with the associated signals located on St Sepulchre Gate, allow the one way traffic from St Sepulchre Gate to safely access onto Trafford Way and for pedestrians and cyclists to safely cross St Sepulchre Gate.
14. It is not a matter of dispute between the main parties that for a time the nearside traffic lights would be viewed in front of the proposed digital advertisement. I appreciate the concerns of the Council that this would cause a distraction for drivers. Nonetheless, from what I saw on site, including taking the opportunity to cross Trafford Way at the toucan crossing at West Laith Gate and spending time on the central reservation, given the simple nature of the junction, there are not the number of competing factors which would adversely impact on the driver's concentration. Consequently, given the relatively short time in which the angle of the traffic signal and the digital advertisement would be in some, but not all, of the drivers' line of vision, and that the traffic lights to the right would not be affected at all, the location of the proposed digital advertisement would not result in an unacceptable risk to highway safety.

Other matters

15. I am aware that the appellant has been willing to negotiate with the Council to submit a smaller scale proposal, and that the appellant had been unaware of the Highway objections. However, I must determine the appeal on the basis of the scheme before me.
16. Due to the configuration of the elevation of the building, and the distance between it and the existing boundary of the CA, I have found no need to consider whether the proposal would preserve or enhance its character or appearance.

Conclusion

17. I have found that the proposal would not cause significant harm to matters of highway safety; however, the adverse impact on the visual amenity of the streetscape is such that the appeal should not succeed.
18. Therefore, on balance, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR