



Appeal Decision

Site visit made on 17 September 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/G4240/Z/19/3232551

Gable of 67 Mottram Road, Hyde SK14 2NR

- 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 Laura Stoker against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00219/ADV, dated 11 March 2019, was refused by notice dated 24 May 2019.
 - The advertisement proposed is described as a 'replacement of a 48 sheet advertising display with a 48 sheet digital advertising display. Display of illuminated static images on a 10 second sequential rotation. No special effects including animation, flashing or fading. Illumination – replication of near ambient conditions. Day – max 600 candela/sqm. Night – max 300 candela/sqm'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address has been described in different terms on the application form, decision notice and the appeal form. For clarity, I have used the address provided by the Council on their decision notice as this appears to be a more accurate reflection of the site's location.
3. 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

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

Reasons

Amenity

5. The appeal site is the west facing gable elevation of a two storey end of terrace property. While the host building is residential, the surrounding area is

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

predominantly characterised by commercial uses including a drive through carwash, a public house and a variety of retail units clustered along this part of Mottram Road.

6. The proposal would replace an existing 48 sheet static hoarding and measure approximately 6 metres by 3 metres, thereby covering almost half of the original gable elevation. Whilst it would incorporate an internally illuminated digital display, I do not consider that it would amount to a visually discordant nor incongruous feature given its surrounding context. Furthermore, the advertisement would be contained within the parameters of the elevation which is otherwise devoid of signage and therefore would not appear cluttered or overly prominent. Having viewed the site from a number of locations along the street, I am satisfied that the proposed advertisement would not be visually jarring nor out of character with the surrounding streetscene.
7. Accordingly, I find that the proposal would not result in harm to the visual amenity of the surrounding area. In this regard, there would be no conflict with Policy C1 of the Tameside Unitary Development Plan 2004 or the policies of the National Planning Policy Framework (the Framework) which together seek to protect townscape character and achieve the appropriate siting of well-designed advertisements.

Public Safety

8. 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.
9. The Council's Head of Environmental Services objects to the proposed advertisement as they consider its size, location and lighting would be sufficient to distract road users to the detriment of highway safety. The proposed digital display advertisement would be positioned very close to the carriageway of Mottram Road and in particular to its signalised junction with Cheapside and Lumn Road. Mottram Road is particularly busy at this point with the signalised junction managing traffic flows leaving the nearby supermarket and providing a number of pedestrian crossings. As a main road into and out of the town centre, the road is likely to remain busy throughout the day and into the evening.
10. The siting, scale and method of illumination of the proposed digital advertisement display would provide a particularly noticeable feature that would attract the attention of motorists and pedestrians. 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 the junction, as well as being alert to pedestrians crossing the road. My greatest concern would be that a driver is distracted by the scale and/or illuminated glare of the advertisement or at the point of changeover of advertisements and as a result fails to stop at a red light and thereby causing a vehicle or pedestrian collision.
11. The advertisement would not restrict any visibility splays nor obstruct any traffic signals or highway signage, however, these matters do not overcome my concerns. I note that the appellant is willing to reduce the proposed level of

illumination. This would reduce the brightness of the display. However, given its prominent location in relation to the highway junction and the changing nature of the display, I am not persuaded that this would resolve the potential for driver distraction.

12. Consequently, I find that the proposal's siting, scale and method of illumination in close proximity to a busy road junction would have a detrimental effect on public safety. This would be contrary to the provisions of the Framework which seek to control advertisements in the interests of public safety.

Other Matters

13. It has been put to me that the proposed digital advertisement is a replacement of an existing static advertising hoarding of a similar scale and siting that has been present on the site for over 10 years and therefore benefiting from a deemed consent. However, I have not been provided with any substantial evidence to support this claim and in any case the proposal is for an internally illuminated digital display which materially differs to that of a poster style hoarding. I have therefore considered the proposal on its own individual merits.

Conclusion

14. Although I have found the proposed advertisement would not adversely impact the amenity of the area, this does not outweigh the harm I have found to public safety. Accordingly, I conclude that the appeal should be dismissed.

Jeff Tweddle

INSPECTOR