



Appeal Decision

Site visit made on 4 November 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/P4415/Z/19/3238786

Hi Tec Autos Ltd, Unit 1, Shaw Road, Eastwood Industrial Estate, Rotherham, S65 1SG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Sajad Khan against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2018/1965, dated 11 December 2018, was refused by notice dated 8 August 2019.
 - The development proposed is an LED sign on the roof.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The advertisement that is the subject of this appeal, an illuminated sign with moving images, has already been erected. I have dealt with the appeal on that basis.
4. The Council has drawn my attention to policy SP 60 of the Rotherham Local Plan, which seeks to protect amenity, the living conditions of adjoining residential properties, and highway safety. However, whilst I have taken this into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

Main Issues

5. The main issues are the effects of the advertisement on visual amenity and highway safety.

Reasons for the Recommendation

6. The appeal site, a vehicle repair garage, is situated along the southern edge of the Eastwood Industrial Estate, at the junction of Doncaster Road and Shaw
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Road. The site lies adjacent to other industrial and commercial buildings on three sides, and there are residential properties to the south on the opposite side of Fitzwilliam Road. Accordingly, the area has a mixed character and appearance. The illuminated LED screen displayed on the roof of the building directly faces the residential properties to the south.

7. The LED screen is animated with multi-coloured images and lettering. There are no other examples of such lighting in the immediate area, and the advertisement, particularly sited in an unusual and prominent position on the roof of the premises, is visually jarring in the street scene and highly prominent from, and in the context of, the residential properties opposite. As such, the LED screen detracts from the character and appearance of the area.
8. The animation of the screen has the potential to distract passing drivers, although given the scale and position of the sign and the straight nature of the road with no junctions or traffic signals in the immediate vicinity of the appeal site, I am not persuaded that the impact on highway safety would cause significant harm.
9. It has been suggested that conditions could be imposed to restrict the animation and illumination of the screen in order to reduce the impact of the sign on drivers. I note the appellant is willing to comply with any conditions. However, even if the levels of illumination and animation were controlled in this way, the sign would still detract from the visual amenity of the area.
10. My attention has been drawn to other existing illuminated signage nearby. While I have no details of any consent granted for these signs, there is no other signage on the roofs of buildings in the vicinity of the appeal site. These existing signs therefore are not comparable to the proposal before me. In any case, this appeal has been determined on its own merits.
11. For the reasons given above, I consider that the LED screen causes significant harm to the amenity of the area.

Other Matters

12. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal I am only able to have regard to the planning merits of the case.
13. The appellant argues that the screen would have economic benefits and would contribute towards the financial security of the business. However, I am not persuaded on the evidence before me that the signage applied for is necessary for the economic success of the business. Moreover, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR