



## Appeal Decision

Site visit made on 18 May 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

**Decision by Nick Palmer BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 June 2020**

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**Appeal Ref: APP/W4223/Z/20/3244164**

**300 Manchester Street, Oldham OL9 6HB**

- 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 Benjamin Porte (Clear Channel UK) against the decision of Oldham Council.
  - The application Ref AD/343963/19 dated 24 September 2019 was refused by notice dated 15 November 2019
  - The advertisement proposed is described as 'installation of internally illuminated 48-sheet digital advertisement display'
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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.

### Procedural Matters

3. The Regulations, National Planning Policy Framework and Planning Practice Guidance make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document Joint Core Strategy and Development Management Policies, adopted 9 November 2011. These policies seek to protect amenity and public safety and so are material in this case but are not determinative in reaching a decision on the appeal.

### Main Issue

4. The main issues in this case are the effect of the proposed advertisement on (i) the visual amenity of the area; and (ii) highway safety.

### Reasons for the Recommendation

#### *Visual amenity*

5. The appeal site comprises the end of terrace flank wall on the southwest facing side elevation of No. 300 Manchester Road, close to the junction with Alfred Street. The surrounding area is characterised by a range of uses, including the prominent dual carriageway and a variety of building types and facades, but

remains primarily commercial in nature. While the group of terraced buildings within which the appeal site sits has an assortment of fascia signs along the front elevation, the flank wall itself is currently blank. Due to the scale and positioning of the wall, it is a visually prominent feature when travelling north-eastwards along Manchester Road.

6. The proposed advertisement would comprise an internally illuminated digital sign displaying two-dimensional static images on rotation. It would be located on the flank wall at the appeal site, and while it would extend above the eaves of the adjoining terraced properties, it would remain entirely within the confines of the wall itself. It would be positioned off centre towards the front edge of the wall such that it would be closer to the passing traffic on Manchester Road.
7. Due to its size and elevated position, the proposed advertisement would dominate the flank wall and appear disproportionate in the immediate context. Views of the sign would be particularly prominent when travelling towards the north-east due to the wide, open nature of the corner junction with Alfred Street and the proximity of the sign to the highway.
8. The sign would also be seen in the context of the surrounding signage, particularly that present on the junction with Alfred Street. When combined with the signage already present this would create an element of clutter, detracting from the appearance of the streetscape. Furthermore, while illumination levels accord with the Institute of Lighting Professionals guidance, it would nonetheless add to the prominence of the advert. Accordingly, the advert would appear as an unduly dominant and visually jarring feature in the context of its immediate surroundings.
9. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

#### *Highway Safety*

10. National Planning Practice Guidance (PPG) states that 'All 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.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
11. The advertisement would be situated close to the busy Manchester Road dual carriageway. While the speed limit at this section is 30 miles per hour, and the straight nature of the road provides good visibility, drivers travelling north-eastwards will nonetheless pass by a pedestrian crossing, bus stop and corner junction all while having views of the proposed advert. This is therefore a particularly complex section of the highway in terms of pedestrians crossing, bus movements, and vehicle users negotiating the junction at this location. The advert would span across almost the entire flank wall at the site and would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Its illuminated and changing display has the potential to catch the attention of drivers and pedestrians alike,

reducing their focus on surrounding traffic movements. While the parties are in disagreement over the accident history in the vicinity of the appeal site, it is nonetheless the case that the proposal could lead to an increase in collision risk at the location for the reasons outlined above.

12. Given the size of the advertisement, its location, and its illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity. As such, the proposal would negatively impact highway safety.

### **Conclusion and recommendation**

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

*C Rafferty*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I too agree that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR