



Appeal Decision

Site visit made on 18 January 2021 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2021

Appeal Ref: APP/V4250/Z/20/3262171

The Guardians Inn, 120-122 Frog Lane, Wallgate, Wigan WN6 7DE

- 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 (Wildstone) against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/20/89734/ADV, dated 13 August 2020, was refused by notice dated 8 October 2020.
 - The development proposed is conversion of the existing 48-sheet advertising display to a digital 48-sheet advertising 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.

Main Issues

3. The effect of the proposed advertisement on:
 - i. The visual amenity of the surrounding area; and
 - ii. Highway safety.

Reasons for the Recommendation

Visual amenity

4. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.
5. The advertisement display would be located on the gable of No. 120-122 Frog Lane. Frog Lane is a relatively busy highway which is located close to Wigan town centre. The surrounding area is predominantly characterised by terraced properties nonetheless there are some commercial uses within the vicinity of

¹ Paragraph: 079 Reference ID: 18b-079-20140306

the site. Buildings within this section of Frog Lane are primarily two-storey in height. I note that the site is not located within a conservation area, does not relate to a listed building and is not within proximity to any local heritage assets.

6. The proposed advertisement would replace the existing non-illuminated advertising display. The current display is prominent when travelling in a westerly direction, away from the town centre, due to the open car park to the front of the site and relatively straight road. The size of the new display would be the same, but it would be positioned higher and would be an illuminated digital display. On my site visit I observed that there are other 48-sheet advertisements within the surrounding area which are not illuminated.
7. Whilst a static advertisement in this location is established, the proposal would introduce a more visually intrusive, incongruous and dominant form of advertising due to the increase in height and illumination. The display would result in a more prominent advertisement, particularly during hours of darkness. Accordingly, the scheme would have a greater visual impact than the existing display due to its illumination, changing images and increase in height which would appear at odds with the primarily residential area and would result in a more obtrusive display which would be more widely noticeable.
8. I note that conditions relating to illuminance levels and the display of advertisements could be imposed. I also recognise that during hours of darkness the highway would be generally well lit from street lighting and headlamps of vehicles. Notwithstanding those points the illuminated advert would still be a strident feature on a prominent gable wall and I am not satisfied that conditions would adequately overcome the harm.
9. The digital display would be visible from a number of residential properties. Having said that, based on the evidence submitted, I am not convinced that the proposed advertisement would have an unacceptable effect upon the occupiers of nearby properties because the level of illumination could be controlled by a planning condition, the display would not directly face any residential properties and given the intervening highway and associated lighting.
10. For the reasons given above, although the proposed advertisement would not result in significant harm to the living conditions of the occupiers of nearby dwellings, it would harm the visual amenity of the area. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would cause visual harm to the street scene, the scheme would not meet with the aims of Policies CP10 and CP17 of the Wigan Local Plan Core Strategy (2013) (CS), the Advertisement Design Guide (DG), or paragraph 132 of the National Planning Policy Framework (the 'Framework').

Highway safety

11. The 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. There are less likely to be road safety problems if the advertisement is on a site within a commercial or

- industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline².
12. The appeal site is located adjacent to a priority junction that links Gidlow Lane, Kendal Street, Fosters Buildings and Prescott Street. In addition, there is an access point for the car park associated with Parry's Motor Parts Ltd to the front of the appeal site. There are also bus stops and a pedestrian refuge in proximity to the site.
 13. The Council's Highways Engineers objected to the advertisement and reference the Design Manual for Roads and Bridges (DMRB) document. They state that during the last five-year period, for which Police injury accident data is available, four incidents have been recorded which were attributed to driver behaviour. They assert that motorists will never admit that they were distracted because this will invalidate their motor insurance. However, I note that there is no substantive evidence which demonstrates that the existing advertisement was a factor that led to the incidents. In contrast the appellant states that one accident has been recorded in proximity to the site, close to the junction of Prescott Street and Frog Lane, and the accident was not attributed to the presence of the existing display.
 14. The Council has drawn my attention to the Brunel University paper and other pieces of research³. A copy of these documents has not been provided and it is therefore unclear how robust this evidence is. Based on the information submitted, it is not clear that illuminated adverts distract drivers more than non-illuminated displays. The Council's consultation response also suggests that the Brunel experimental paper related to high speed roads. I observed on my site visit that Frog Lane is subject to a 30mph speed limit and this section is relatively straight and level. The other nearby highways are also subject to a 30mph speed limit other than Gidlow Lane which is subject to a 20mph speed limit. Thus, the appeal site is not located in an area with high speed roads and thus the findings of the paper has less bearing on the appeal case. In any event, these documents do not form part of national or local planning policy.
 15. Drivers do need to take more care in this section of the highway because of the number of junctions nearby and pedestrians could be crossing the road. Although, that is the case with the current advertisement.
 16. Given that there is already an advertisement present at the site, and it is an established feature within the existing street scene, I am not convinced by the evidence presented that the digital display would unduly distract drivers, subject to appropriate conditions. The new display would be positioned higher, nevertheless it would not obscure views of traffic or any road signs. It would be more noticeable, particularly during hours of darkness, and it would replace a static display, however no substantive evidence has been submitted to demonstrate that the digital display would unacceptably distract drivers nor that there would be an increased risk to pedestrians crossing the road.
 17. For the reasons given above, and having regard to the existing advertisement, I find that the proposed display would not have an unacceptable impact upon highway safety. The provisions of the development plan, so far as they are

² Paragraph: 067 Reference ID: 18b-067-20140306

³ Wallace's 'Driver Distraction by Advertising' and Crundall's 'Attraction and Distraction of Attention with Roadside Advertisements'

relevant, have been considered. Since the proposed advertisement would not have an unacceptable impact upon highway safety, the scheme would meet with the aims of Policy CP7 of the CS and paragraph 132 of the Framework.

Conclusion and Recommendation

18. Although I have found that the advertisement would not have an unacceptable impact on highway safety nor have an unacceptable impact upon the living conditions of the occupiers of nearby residential properties, the scheme would harm the visual amenity of the area to which I attach significant weight. For these reasons, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR