
Appeal Decision

Site visit made on 30 March 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Appeal Ref: APP/G4240/Z/20/3264605

Gable Wall of 153 Ashton Road, Denton M34 3LW

- 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 Wildstone Group Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00781/ADV, dated 7 August 2020, was refused by notice dated 13 October 2020.
 - The advertisement proposed is an upgrade of existing advertisement to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on public safety.

Reasons

3. No.153 Ashton Road is a two-storey dwelling which currently hosts an externally illuminated paper advertisement display. This is proposed to be replaced by an internally illuminated digital version of the same size in the same position. A pedestrian crossing is located to the south of the appeal site location on Ashton Road which is signal controlled.
4. Planning Practice Guidance (PPG) on advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.
5. For motorists approaching the pedestrian crossing from the south, the traffic light would be set against the backdrop of the proposed advertisement board. From my own observations as both a pedestrian and as a driver I find that the prominence on the gable end of a two-storey elevation, and the illumination of the advertising board would, in combination with the siting behind a traffic light controlled pedestrian crossing, be distracting to drivers on the highway. This

- has the potential to obscure or visually confuse the observation of the traffic light against this backdrop, posing a significant risk to motorists and pedestrians on this busy stretch of road. This would be compounded by the intermittent changing of the advert display, albeit with little transition time.
6. The imagery provided by the appellant shows the existing board is only partially visible at a distance of 43m. Be that as it may, while approaching the crossing on my site visit I observed the board to be completely visible closer to the crossing when the stopping distance would be reduced. At this distance, whereby motorists would be required to stop for pedestrians using the crossing, the advertisement would be set entirely against the backdrop of the traffic lights. Backing boards are common in traffic lights and their use in this instance would not convince me the proposal is not without risk to public safety.
 7. While I understand the existing board may have been in place for some time, familiarity within the location would not justify allowing the harm I have identified. Moreover, I can only assess the proposal on its own merits and its digital LED illumination would be markedly different to the existing paper board.
 8. The appellants indicate that the advertisement would be a static digital display and would change after 10 seconds. Aspects such as intensity of illumination, frequency and nature of change can be controlled by condition. I have had regard to the standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. While I have carefully considered these, I do not find that they would individually or collectively overcome the harm to public safety that I have identified in this instance.

Conclusion

9. In their reason for refusal the Council has referred to the National Planning Policy Framework (the Framework). However, the power under the 2007 Advertisement Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Accordingly, whilst I have had regard to the Framework, insofar as the relevant sections are concerned with public safety in terms of the highway network, they have not in themselves been determinative in my assessment of this appeal.
10. For the reasons given above, I find that the proposed advertisement would significantly harm public safety and therefore the appeal should be dismissed.

C McDonagh

INSPECTOR