



Appeal Decision

Site visit made on 1 June 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/A4520/Z/21/3270633

35-37 Westoe Road, South Shields NE33 4LU.

- 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 of Clear Channel UK Ltd against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/1007/20/ADV, dated 25 November 2020, was refused by notice dated 1 March 2021.
 - The advertisement proposed is installation of 48-sheet D-Poster (6.2m by 3.5m) on flank wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address of the development has been taken from the Council's Decision Notice as this accurately represents the proposal and reflects the wording given in subsequent appeal documents.

Main Issues

3. The main issues are the effect of the proposal on the amenity of the area and public safety.

Reasons

Amenity

4. The appeal site is located on an extent of Westoe Road which is commercial in nature, containing a number of shops and other services. However, the wider area is more residential in character, and there is also evidence of residential properties above some of the commercial uses in the area.
5. The proposed advertisement would be located on the gable wall of a property which faces onto an extent of open space. Although there was some graffiti on the lower extent of the wall at the time of my site visit, the upper area of the wall is of an understated appearance and is a relatively neutral feature within the streetscape. Whilst signs may previously have been placed on this elevation, none were apparent at the time of my visit.
6. The area of open space is part of a pedestrian and cycle route, which I saw was well-used by cyclists and pedestrians. The extent of landscaping along this

route also gives it an attractive character which functions as public open space in this urban area.

7. Within this context, the proposed advertisement would be an unduly prominent and strident feature detracting from the pleasant character of this landscaped cycle path. Whilst this area of Westoe Road may be of a commercial character, in many views from the surrounding area the digital poster would be seen in the context of open space and nearby residential development, rather than being solely within a commercial area.
8. There are also residential properties which face onto the appeal site, including a property above a commercial unit on Westoe Road as well as dwellings on Erskine Road. The appeal proposal would be an intrusive and dominant feature in views from these properties, even allowing for the oblique angle of some of the views. Whilst the level of illumination would be controlled, this would not mitigate for the introduction of a large elevated illuminated advertisement on a site where one does not currently exist. The regular change in images would also draw the eye and be an unduly distracting feature for residents.
9. I conclude that, due to its siting and design, the proposed advertisement would have a significant adverse effect on the amenity of the area. Consequently, the proposal would conflict with the design and amenity considerations of policy DM1 of the Council's Development Management Policies 2011 (the DMP). The proposal would also be contrary to the National Planning Policy Framework (the Framework) which advises that the quality and character of places can suffer when advertisements are poorly sited and designed. The proposal would also be contrary to the advice of the Planning Practice Guidance (the Guidance) in respect of consideration of the local characteristics of the neighbourhood. However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken these policies and advice into account, they have not been a decisive consideration in my determination of the appeal.

Public Safety

10. The appeal proposal would be a prominent elevated feature in the views of drivers passing south along the A1018 Westoe Road. As one of the main roads leading into the town centre, I saw that this road was well-trafficked.
11. There are a number of sensitive highway features in this area. This includes a significant number of pedestrian and cyclist movements associated with the cycle path, which crosses over the carriageway via an offset central refuge. There are also other features in the vicinity, including a signalised pedestrian crossing, a bus stop, another pedestrian refuge and junctions with side roads.
12. The highway environment in the vicinity of the appeal site is therefore of a busy and complex nature with a number of sensitive features.
13. Whilst advertisements are intended to attract attention, the Guidance emphasises that advertisements at points where drivers need to take more care are more likely to affect public safety. This includes junctions and pedestrian crossings which are features in the vicinity of the appeal site. The prominent elevated position of the advertisement as well as the frequent changes of the display are likely to be a distraction to drivers, thereby causing danger to other highway users. This would be the case even allowing for

reduced traffic speeds in the area. Whilst this extent of Westoe Road may be commercial in character, this does not mitigate for the complex nature of the highway in this area and the variety of users associated with the cycle path and other features.

14. Reference has been made to a number of traffic incidents in the area, although I note that these are some distance from the appeal site. While that may be so, that is not a justification for introducing a distracting feature into this area to the detriment of public safety.
15. I conclude that due to its siting and nature of display, the proposed advertisement would have an unacceptable impact in respect of highway safety and therefore public safety. The proposal would therefore conflict with the highway safety considerations of policy DM1 of the DMP. The proposal would also conflict with the Framework with regard to the consideration of public safety. The proposal would also be contrary to the advice of the Guidance in respect of considerations affecting public safety. However, for the reasons stated previously regarding the Regulations, although I have taken these policies and advice into account, they have not been a decisive consideration.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR