



Appeal Decision

Site visit made on 7 December 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th February 2022

Appeal Ref: APP/V4250/Z/21/3278621

Land On The South Side Of 20 St Helens Road, Leigh, Wigan WN7 4HW

- 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 Estates Limited against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/91234/ADV, dated 16 March 2021, was refused by notice dated 17 May 2021.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant to the appeal, these have not been decisive in my determination of this appeal.
3. The existing 48 sheet advertisement had been removed by the time of my visit. However, the evidence indicates that it has been in place for over 10 years and it benefits from deemed consent. I have determined the appeal accordingly.

Main Issues

4. The main issues are the effects of the proposed advertisement on amenity and public safety.

Reasons

Amenity

5. The appeal site is in an area with a mix of uses, including commercial and residential. It is located behind the footway along a fence line between No 26, a public house, and No 20 which is the end property of a short terrace with commercial ground floor uses and residential uses above. Further residential properties are under construction on the opposite side of St Helens Road.
6. The proposed advertisement would be the same height and width, and the same height above the ground, as the existing advertisement. Consequently, irrespective of whether or not the existing is out of scale with the surrounding

built environment including signage, the size, scale and siting of the proposal would not result in any greater harm than the existing.

7. However, the proposal would differ from the existing externally illuminated static advertisement insofar as it would display internally illuminated sequential images. The proposal would be an overtly modern feature that would be conspicuous and out of keeping in the context of the modest non-illuminated fascia signage that characterises the commercial premises in this area. It would be a dominant and discordant feature in an otherwise relatively traditional surrounding townscape.
8. The proposal would not be directly visible from the habitable room windows of the first floor residential accommodation in No 26. Therefore, it would not adversely affect the outlook from this neighbouring property. However, the residential properties under construction on the opposite side of St Helens Road have habitable room windows in their front elevations. As such, the proposal would be readily visible to the future occupiers of those properties. The level of illumination could be controlled in accordance with the Institute of Lighting Professionals Technical guidelines, but the changing imagery would result in visual disturbance to the nearby residential occupiers. Taking into account the size and height of the display, the proposal would be visually obtrusive and disturbing in habitable rooms at ground floor and in the upper storeys. Even allowing for the level of illuminance to be reduced during hours of darkness, the frequently changing imagery would be markedly different and considerably more disturbing to residential occupiers than street lighting.
9. The appeal site is not in the Leigh Bridge Conservation Area and the local built environment is not of particular significance. However, this does not justify a proposal that would erode sense of place and that would not add to the overall quality of the area. In this regard, I note the suggestion that it would improve the appearance of the site. However, the evidence indicates that the paper and paste advertisement was not poorly maintained rather it was changed on a regular basis. There is little evidence that a scheme of landscaping would mitigate the adverse visual impact of the advertisement. The harm could not be overcome by the imposition of a planning condition.
10. Therefore, I conclude that the proposed advertisement would harm amenity. Although not determinative, as I have found harm, the proposal would conflict with the aims of Policies CP10 and CP17 of the Wigan Council Local Plan Core Strategy Adopted September 2013 (the LP). It would conflict with the guidance in the Advertisements Design Guide Development Control Policy Guidelines.

Public safety

11. St Helens Road is a relatively straight busy road that is part of the strategic network that connects Liverpool and Manchester. The appeal site sits between the staggered junctions with West Bridgewater Street and Diamond Street. There is a controlled pedestrian crossing between the 2 junctions in close proximity to the appeal site.
12. The advertisement would be set at an angle to St Helens Road, facing towards West Bridgewater Street. Consequently, it would not be visible to, and it would not distract, road users travelling from the north including around the junction with Diamond Street. Travelling from the south along St Helens Road, it would be seen against the gable end of No 20 and it would be visually separated from

the pedestrian crossing controls. However, from the West Bridgewater Street junction on the opposite side of the road, the advertisement would be seen in conjunction with the traffic control lights.

13. The close proximity and the staggered arrangement of junctions to either side of the appeal site, combined with the pedestrian crossing, results in a complicated road arrangement. Road users will need to be alert to vehicles and cyclists turning into and out of Diamond Street and West Bridgewater Road, pedestrians on the footway and crossing junctions and the pedestrian crossing. Particularly at busier times of day, simultaneously monitoring the activity of other road users in this area will require high levels of concentration.
14. The 2 recorded accidents in the locality the last 5 years, resulting in injury to vulnerable road users, are attributed to road user behaviour. Further distractions resulting in even momentary lapses in road user concentration would increase the risk of accidents. In this regard, the illuminated sequential imagery would distract the attention of road users and it could reduce the clarity and detract from the effectiveness of the pedestrian crossing signals to vehicles exiting West Bridgewater Street. The additional visual information would affect driver concentration and reaction time. It would increase the risk of conflict between pedestrians, cyclists and vehicles.
15. I note the excerpt from the Transport for London guidance¹, that with appropriate controls, digital advertising should be no more or less acceptable than traditional advertisements. However, the full document has not been provided and I cannot be certain that it provides unqualified support for all advertisements. Irrespective, the PPG advises that advertisements in locations where drivers need to take more care, such as junctions and pedestrian crossings, are more likely to affect public safety. It identifies the main types of advertisements which may cause danger to road users as including those that would reduce the clarity or effectiveness of a traffic sign or signal and illuminated signs which could distract road users.
16. I appreciate that there has been a static advertisement in this location for a number of years. However, even if the existing advertisement was not implicated in the recorded accidents, it does not automatically follow that different type of advertisement with internally illuminated and changing imagery would be indistinguishable in terms of its impacts. Therefore, the existing advertisement does not provide a justification for the proposal.
17. In addition to the standard conditions, the appellant suggests a planning condition be imposed to restrict the display to static images, to control the illuminance and frequency of imagery and to ensure instantaneous transition of images. However, as the sequential illuminated and large scale imagery would distract road users, the adverse impact on the safe operation of the highway could not be adequately mitigated by these measures. The proposal could not be made acceptable through the use of conditions.
18. Therefore, I conclude that the proposed advertisement would be detrimental to public safety. Although not determinative, it would conflict with the road network safety aims of Policy CP7 of the LP. It would also conflict with the aims of the Framework and the PPG.

¹ Guidance for Digital Roadside Advertising and Proposed Best Practice Adopted March 2013

Other Matters

19. There would be a reduction in vehicle trips for reposting advertisements and there would be a reduction in waste. The LED technology would be more energy efficient than the existing external lighting, although there would be energy costs associated with the construction of the unit. The advertisement could be used to promote charitable campaigns, or to display public art or emergency messaging. However, there is little substantive evidence in this regard or in terms of any significant increase in business rates. These benefits do not outweigh the harm that I have found.

Conclusion

20. For the reasons set out above, the proposed advertisement would be detrimental to amenity and public safety. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR