
Appeal Decision

Site visit made on 15 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/J4423/Z/21/3282686

85 Chesterfield Road, Sheffield S8 0RN

- 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 Sheffield City Council.
 - The application Ref 21/02851/ADV, dated 14 June 2021, was refused by notice dated 9 August 2021.
 - The advertisement proposed is update of historic advertising site to a digital advertising display: Gable at 85 (A61) Chesterfield Road, Sheffield, S8 0RN.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to Policies BE13 and H14 of the Sheffield Unitary Development Plan (UDP) (March 1998). However, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. As such, in my determination of this appeal, these policies have not in themselves been decisive.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The proposed advertisement display would be positioned on the gable end of No.85 Chesterfield Road, an end terrace property. The appeal building is one of many converted dwellings on this side of Chesterfield Road which have their ground floors in commercial use. A car dealership adjoins the appeal site, which is set back from the road and has residential flats on the first floor. This is reflective of the area, which is of mixed commercial and residential uses. On the opposite side of Chesterfield Road, a modern retail development features much larger commercial units such as supermarkets and high street stores.

5. The proposal seeks to erect a digital advertisement display of 6m wide x 3m high scale. The advertisements displayed would be illuminated and static, whilst incorporating an automated 10-second sequential rotation of advertisements.
6. Although 'amenity' is not defined clearly in the Regulations, paragraph 079 of the PPG explains it is generally understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
7. I understand a paper advertisement display was historically attached to this elevation of the host building, although this was removed in 2007. Be that as it may, the proposal must be assessed on its own merits and its digital LED illumination would be markedly different to the previous paper displays.
8. The display would cover a large section of the gable end and would jar with the simple form of the host building. Moreover, the digital illumination of the advert would result in a visually incongruous feature that would stand out from other, more modest, business premises advertisements which characterise the signage along this side of Chesterfield Road. This impact would be compounded by the intermittent changing of the illuminated display, despite taking little time to transition, that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the visual amenity of the area.
9. Although the commercial development on the opposite side of the road includes larger signage, such as the totem in the car park, these are in keeping with the modern appearance and the larger scale of the retail units in that development when compared to the domestic appearance and scale of the appeal building and others in these terraces. As such I do not consider these examples comparable to the proposal before me, nor does their existence justify allowing harm to the visual amenity of the area I have identified.
10. Furthermore, the display would be positioned adjacent residential dwellings located above the car dealership next to the appeal site. Although the advertisement display would be positioned perpendicular to first floor windows, it would nevertheless be extremely close to these adjacent dwellings.
11. I take on board that the level of illumination would be within industry guidelines. However, the vivid display and changing images would catch the eye when seen from the front-facing habitable rooms of these dwellings and have an intrusive and potentially disturbing impact on the amenity of the occupiers of those properties, particularly the dwelling closest to the display.
12. The appellant has proposed a night curfew, whereby the display would be turned off between 23:00 and 06:00. While this may alleviate the harm experienced during these hours, it would still be evident during late afternoon and early evening hours, particularly during winter months. As such this does not wholly mitigate the harm to the amenity of occupiers of these properties through light pollution so close to their front facing windows.
13. Based on the above, due to its scale and digital illumination, the proposed advertisement would introduce a visually prominent and obtrusive feature that would cause harm to both the visual amenity of the local area and the living

conditions of occupiers of the adjacent properties with regards to light pollution.

Conclusion

14. In accordance with the Regulations, I have taken into account the provisions of the development plan only in so far as they are relevant. Policy BE13 states Illuminated advertisements will be permitted if they would not harm the character or appearance of the area, among other things. Policy H14 states in designated Housing Areas, such as that within which the appeal site is located, new development will be permitted provided that it does not suffer from air or noise pollution or other nuisances.
15. As such these are considered material considerations insofar as they are relevant to amenity. The proposal would therefore not accord with Policies BE13 and H14 of the UDP. The advert would also conflict with advice contained within the Framework, which warns through paragraph 136 that the quality and character of places can suffer when advertisements are poorly sited and designed while also advising through paragraph 130 that development should ensure a high standard of amenity for existing and future users.
16. For the reasons given above, I find that the proposed advertisement would significantly harm amenity and therefore the appeal should be dismissed.

C McDonagh

INSPECTOR