
Appeal Decision

Site visit made on 7 March 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by B J Sims BSc (Hons) MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/D4635/Z/22/3290191

Land at Birmingham New Road (A4123), Wolverhampton, WV4 6EF

- 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 Wolverhampton City Council.
 - The application Ref 21/01408/ADV, dated 15 September 2021, was refused by notice dated 26 November 2021.
 - The advertisement proposed is described as 'Erection of a 48-sheet (6m x 3m) digital advertising display.'
-

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.

Preliminary Matters

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of the provisions of the development plan so far as they are material and any other relevant factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

4. There is no dispute regarding amenity in this case. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons for the Recommendation

5. The appeal site is close to the southeast corner of the busy Parkfield Junction. This is a four-way signalised junction which also provides pedestrian crossings at this well used intersection surrounded by residential and commercial properties.
6. At the time of the site visit there were five large externally illuminated poster style advertisement panels to the west, opposite the appeal site. Although

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

express consent was granted on appeal² for a digital LED display advertisement at the gable end of No 680, this was not in place at the time of the site visit. The appeal site itself did not display any large advertisements.

7. Advertisements are designed to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety³. The Crashmap image shows that 14 incidents occurred at different sections of the Junction, with one slight incident occurring on the carriageway fronting the appeal site. I also note the appellant's conclusions that only 5 of the incidents were in positions where the proposal would be visible, and that there is no evidence that the incidents were as a result of the existing advertisements in the area. Nevertheless, based on the number and location of the incidents, it is reasonable to conclude that this busy, multi-lane junction already contains significant risks to highway safety.
8. The proposed large, internally illuminated digital display would be visible to vehicles approaching from the south driving in a northly direction. This is a straight stretch of the Birmingham New Road and when moving off from these signals, the advertisement would not be visible at the point where motorists may be crossing the path of other traffic. However, the striking illuminated large feature with changing static images would be in drivers' zone of vision when stationary at these signals. This would serve as a distraction, drawing motorists' attention across the carriageway to the east, when preparing to pull away from the junction and when their focus needs to be on pedestrians and other road users to the north.
9. The proposed panel would also be visible to motorists approaching the junction from the west, on Parkfield Road, in an easterly direction. Motorists would have sufficient time to acknowledge the panel on their approach. However, when turning south onto Birmingham New Road, vehicles are likely to queue for periods of time to give way to priority traffic. Although such vehicles would be stationary, motorists need to take account of other queuing vehicles, oncoming traffic, as well as pedestrians crossing the Birmingham New Road when entering that road. Consequently, this places a high cognitive demand on drivers at this section of road, near and just beyond these western signals, and even when exercising a reasonable standard of care, this presents hazardous conditions to road users.
10. The large advertisement would not be an unexpected feature to drivers in this area, and pedestrians would not be unduly distracted. However, the large changing static images would form part of the immediate backdrop to the highway for motorists turning south on to Birmingham New Road. These motorists could be stationary for in excess of 10 seconds given the busy nature of the road, and consequently the image on the proposed panel would be subject to change in this period. This would be a distracting feature at a point where absolute focus is required to manoeuvre safely and without incident. As a result, highway conditions for pedestrians and other road users in the area would be materially less safe as a result of the proposal.
11. I have had regard to the appeal decision allowing a similar advertisement opposite the appeal site. That decision references traffic accidents occurring between 2012 and 2017 as opposed to this appeal where the Crashmap data is

² Ref APP/D4635/17/3190946

³ Planning Practice Guidance Paragraph 067 Ref ID: 18b-067-20140306

stated to cover the past 5 years. Moreover, taking into account the specific site circumstances, I find that the proposed advertisement at this location would create a distraction to motorists turning south and that, in turn, this would increase the hazards for other road users. The circumstance of this proposal would be different in these respects and not directly comparable to the advertisement subject to the earlier appeal decision, and that decision has limited weight in this recommendation for this reason.

12. The conditions proposed controlling light levels, images and effects would not address the harm outlined above. I therefore conclude that the proposal would have a harmful effect on public safety. Although not decisive in this case I have taken into account policies AM15 and EP19 of the Wolverhampton Unitary Development Plan in so far as they are material in this case. I find that the proposal would conflict with these policies which seek to prevent advertisements that would have a harmful effect on public safety.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

B J Sims

INSPECTOR