



Appeal Decision

Site visit made on 17 May 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2022

Appeal Ref: APP/J4423/Z/22/3294260

31-35 The Moor, Sheffield S1 4PF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Mike Smith on behalf of Open Outdoor Media Limited against the decision of Sheffield City Council.
 - The application Ref 21/03445/ADV, dated 16 November 2021, was refused by notice dated 11 January 2022.
 - The advertisement proposed is 1 internally illuminated digital display sign.
-

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.

Procedural Matters

3. The description of development on the application form was for the installation of 2 banners and 1 digital display. During the course of the original application the two banners were removed from the proposal, although amended drawings with the banners removed were not submitted at the time. Such drawings have been provided as part of the appellant's appeal submission. I have therefore proceeded by using the description of development as shown on the appeal form and decision notice, and I have considered the appeal on the basis of the amended drawings. As the amended drawings show the scheme that was determined by the Council, no party will be prejudiced by my approach.
4. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter.

Main Issue

5. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal property is a three-storey building situated within The Moor shopping area on a corner with Matilda Street. The Moor is commercial in
-

nature and includes a range of fascia and wall signs, some of which are illuminated. The proposed digital advertising screen would be erected in a prominent position on the splayed corner elevation of the property at first and second floor levels, and consequently it would be visible to pedestrians approaching along The Moor from the north.

7. The post-war building is finished with Portland stone and has tall, narrow windows at the first and second floor level with architectural detailing above the windows. Overall, the building has a traditional and attractive appearance with a vertical emphasis. The building at 29 The Moor on the opposite corner of Matilda Street differs slightly in design to the appeal property but the large upper floor windows also give it a similarly a vertical emphasis. The corner splays, detailing and materials create a clear visual relationship between the two buildings, and they are a prominent presence either side of Matilda Street.
8. While it would not cut across any architectural features and the other windows of the building would remain visible, the proposed modern digital display would cover up the first and second floor windows on the corner elevation and the stone detailing above. It would harmfully dominate this prominent elevation and have little relationship to the features of the appeal building.
9. The proposal would introduce a large, permanent, illuminated feature that would draw the eye and would appear conspicuous in the context of the surrounding area where advertising displays are generally more discreet. Although the level of illumination could be limited by condition, the illuminated nature of the advertisement would only serve to highlight its unsympathetic scale and height, the visual impact of which would be exacerbated by its prominent location. Overall, despite the commercial nature of the area, the presence of such a large and prominent digitally illuminated display would not be sympathetic in the existing context.
10. Consequently, due to its size, scale and positioning the proposal would appear as an incongruous addition, detracting from the character and appearance of the building. It would also harmfully alter the relationship with the equivalent building opposite. As a result, it would be an intrusive and harmful addition to the street scene which would harm the visual amenity of the area.
11. While digital screens are often found in commercial areas, they are scarce in elevated positions within The Moor. Where present, such as at the H&M store at the northern end of The Moor, this display has been deliberately designed into the new building and its position at an entrance to The Moor helps to distinguish the start of the complex. Consequently, the context of this existing display differs markedly from that of the appeal site.
12. My attention has been drawn to other large advertisements in Liverpool. However, these do not appear to be digital displays and therefore are of a different nature to the appeal proposal. The advertisement in Figure 1 of the appellant's Planning Statement is not on a corner elevation of a building, and it is not clear whether the advertisement in Figure 2 is within a pedestrianised shopping area like The Moor. Moreover, no substantive details of any consents for these advertisements have been provided, nor do I know the reasons for allowing them. As such I cannot be certain that these other examples are directly comparable to the proposal before me. In any event, the presence of other advertisements in another city does not lead me to alter my conclusions on the harm that would be caused by the proposal as described above.

13. The Council has drawn my attention to Saved Policy BE13 of the Sheffield Unitary Development Plan (1998), which seeks in various ways to protect visual amenity. However, whilst I have taken the policy into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policy is not, in itself, decisive. Nevertheless, as I have concluded that the proposed advertisement would harm visual amenity, it therefore would not accord with Policy BE13.
14. The proposal would also conflict with the guidance in paragraph 136 of the National Planning Policy Framework. While the Planning Practice Guidance (PPG) provides that large poster-boards may be permitted in a commercial area of a major city, this is based on there being no adverse effect on the visual amenity of the neighbourhood of the site¹. The guidance in the National Design Guide supports visually attractive design and recognises that new character may arise through evolution, however it also requires that advertisements do not cause harm to visual amenity. Given my findings above, the proposal would not be supported by the PPG or National Design Guide.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed digital advertisement would cause harm to the visual amenity of the area. I therefore recommend that the appeal is dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR

¹ www.gov.uk/guidance/advertisements, paragraph: 079 Reference ID: 18b-079-20140306