



Appeal Decision

Site visit made on 21 June 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/J4423/Z/22/3297917

746 City Road, Sheffield, S2 1GN

- 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 (on behalf of Wildstone Estates Limited) against the decision of Sheffield City Council.
 - The application Ref 22/00121/HOARD, dated 9 December 2021, was refused by notice dated 9 March 2022.
 - The advertisement proposed is the upgrade of an advertising site to incorporate a digital advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the upgrade of an advertising site to incorporate a digital advertising display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached Schedule.

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. There is a slight discrepancy between part of the name of the appellant on the application form and decision notice (Wildstone Estates Limited) and that used on the appeal form (Wildstone). For clarity, I have used the company name from the application form.
4. Although descriptively the advertisement would be located *right on gable end* of the appeal property as described in the appeal form site address, the appeal site address would be more accurately described as No. 746 City Road, Sheffield, S2 1GN, which I have adopted above.

Main Issue

5. The Council has raised no concerns regarding highway safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site is positioned on the flank gable wall of a two storey terraced property currently trading as a takeaway unit, and located on a busy road facing a car repair garage. The surrounding area is characterised by a mix of residential and commercial uses with the residential uses primarily located on the opposite side of City Road to where the advertisement is proposed to be sited.
7. The Council assert that the sign would be incongruous and at odds with the surrounding residential properties harming the character and appearance of the area. From my site observations I am not persuaded that this is the case. At this particular location, the nearby large scale commercial premises, totem signage, various commercial fascia signage and a digital bus stop advertisement are all sited in the immediate vicinity of the appeal site. The proposed advertisement would be viewed against this backdrop, thereby assimilating comfortably into the surroundings and would not appear as an incongruous feature.
8. I have also given careful consideration to the visual relationship of the advertisement alongside the residential properties. City Road is a wide busy road, with tram lines and associated overhead cabling and poles drawing the eye, and acting as a separation between the more commercial side of City Road where the advertisement would be located and the residential properties on the opposite side. Views of the advertisement from the residential properties, which are set back some distance from the roadside, would be from an oblique angle as the advert is splayed towards traffic, visible from only one direction and would consequently be seen primarily against the context of the commercial buildings and other nearby signage.
9. I note from the evidence submitted that the proposed site of the digital advertisement has been a longstanding site for advertising, previously featuring a 48-sheet externally illuminated poster hoarding. This has since been removed, however I observed remnants of a previously painted advertisement providing further evidence that advertisements in this location have been an established feature in the street scene and it therefore would not appear as a discordant feature. Furthermore, the large flank wall of the property is of a sufficient size to comfortably accommodate the proposal which would be the same size and occupy the same position as the previous paper advertisement. Whilst the proposed advertisement may draw the eye more than the previous one due to the different method of display, the level of illumination could be controlled by a condition as suggested by the appellant and Local Planning Authority which would further ensure that the proposal safeguards visual amenity.
10. For the reasons outlined above, I determine that the proposed advertisement would not result in unacceptable harm to the visual amenity of the area.
11. The Council has drawn my attention to policy BE13 of the Unitary Development Plan (UDP) which seeks to ensure advertisement proposals do not harm the character and appearance of the area and the National Planning Policy Framework. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, these matters have not, themselves, been decisive in my determination.

Conditions

12. I have reviewed the conditions put forward by both the Council and the appellant. The Council suggested a condition requiring a blank screen in the event of a malfunction, this would be necessary in the interests of highway safety. I have also accepted the Council's condition that a light sensor should be fitted as I deem this also to be necessary in the interests of visual amenity and highway safety.
13. I have reviewed the Council's suggested condition in relation to luminance levels, but I have preferred the appellants suggested conditions in this regard as they have suggested that the screen is turned off between 24:00 and 05:00 as well as limiting the luminance to lower levels of 200 cd/m² during night-time periods. Considering the residential properties and in the interests of visual amenity I consider these conditions to be reasonable and necessary. The imposition of the other additional conditions, in addition to the 5 standard conditions, as set out in the schedule are all necessary in the interests of visual amenity and maintaining public safety.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be allowed, subject to the conditions specified.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and subject to the conditions as listed, agree that the appeal is allowed.

Martin Seaton

INSPECTOR

Schedule of additional conditions

1. Static images to be displayed only. The advertising display shall contain no moving images, animation, video or full motion images, audio or any images that resemble road signs or traffic signals.
2. The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall be instant with no sequencing, fading, swiping or merging of images.
3. The screen shall be switched off between 24:00 and 05:00.
4. The screen shall not exceed a luminance of 200cd/sqm at night (dusk to 24:00 and 05:00 to dawn).
5. The screen shall not exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2015 during daylight (dawn to dusk).
6. The display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
7. In the event of a malfunction, the advertisement screen shall have a default mechanism to display a black screen to avoid any flashing error messages or pixilation.

