



Appeal Decision

Site visit made on 7 July 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 September 2022

Appeal Ref: APP/W4223/Z/22/3300541

Land on the North Side of Huddersfield Road, Lees, Oldham OL4 2JW

- 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 Oldham Metropolitan Borough Council.
 - The application Ref ADV/348628/22, dated 25 January 2022, was refused by notice dated 14 April 2022.
 - The application is for installation of an internally illuminated digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the safety of road users.

Reasons

3. The site of this appeal is concerned with the placement of an illuminated digital advertising display to the gable end of an existing end terrace property located along the A62 Huddersfield Road. The advertising display would be illuminated by LED lights and would measure around 6m wide by 3m high. The display would also be located around 2.4m above ground level.
4. On approach to the appeal site from the west the A62 slopes downwards towards the bottom of a hill where a parade of shops and vehicular and pedestrian access to the Waterhead Academy are located. The area appears to contain several junctions including both the Waterhead Academy bus drop off area and the junctions between Huddersfield Road and Culvert Steet and Church Street East.
5. Much of the area in the public realm here is landscaped with barriers focussing pedestrian movement towards a signalised pedestrian crossing nearby. I consider that the activity around this site is therefore likely to be busy at certain times with both moving cars, buses and pedestrians using the area with the crossing here giving safe access for children to attend the Academy as well as customers of the local shops to cross the road.
6. The main issue with regards this appeal is the impact of the proposed digital display upon the safety of road users. The Council Highways team have advanced the case that the display would cause undue distraction that would

- be likely to adversely affect the safe use of the crossing facilities and junctions around this site that would compromise the safety of road users.
7. I saw on my site visit that the proposed site of the display board is very visible as one approaches from the height of the hill towards the site whilst heading in an easterly direction. Indeed, the existing gable, being painted a light colour, is itself visible already. On approach by car to the junctions and pedestrian crossing the site of the display would become more obvious to such an extent as it provides an immediate backdrop to the pedestrian crossing and the traffic lights as well as being within the view of drivers when approaching several of the junctions.
 8. In assessing this appeal I consider that the impact of the proposal upon the safe operation of the junctions nearby would not cause undue safety issues due primarily to the off set nature of the display from these junctions. The main area of concern is due therefore to the potential distraction of drivers when approaching the pedestrian crossing itself and the subsequent ability of drivers to be able to see and react to the traffic signals primarily those located on the north side of the carriageway.
 9. I saw on my site visit that on approach to this crossing, the existing gable is directly behind the controlling traffic lights. In light of this I saw that the location of the display in this location would be directly within the eyeline of a driver and would form something of a backdrop to the traffic lights marking the pedestrian crossing. I consider that this would present a very real risk through distraction of drivers using this road and that the dark backing board to the traffic signals themselves would be unable to compensate for the distraction caused beyond them.
 10. At both busy and quiet times therefore I consider such an alternating display of undoubtably attractive imagery would have the impact of distracting a driver's attention and causing an unacceptable and significant risk to the safety of those using the highway, especially those pedestrians, children and other more vulnerable road users who would be obliged to use this crossing and rely on it as their main means of safely crossing this major strategic road.
 11. Although I take on board the Appellant's evidence that the pedestrian crossing would not be affected due to both the distance that the display would be seen and due to the amount of time that a driver could act, I do not consider that this would necessarily compensate for the frequently changing imagery that would offer further distraction both whilst on approach to this crossing and whilst stationary waiting to advance.
 12. In light of this I consider that the proposal would have an unacceptable impact upon highway safety and that the implications of this display were it to go ahead could be severe. In light of this I consider that the proposal would be contrary to Local Plan Policy 9 of the Oldham Local Plan that seeks to protect the highway safety of road users.

Other Matters

13. Although the Appellant's have brought to my attention other such display boards in similar locations I have no evidence before me to enable a direct comparison between these schemes and as such I can only give these other examples very limited weight.

Conclusion

14. For the reasons above, taking into account the particular criteria of this proposal, I dismiss the appeal.

A Graham

INSPECTOR