

Appeal Decision

Site visit made on 6 September 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/W4223/Z/22/3301390

373 Oldham Road, Failsworth, Oldham, M35 0AE

- 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 Iftu Uppal of Westbell Estates Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref ADV/348747/22, dated 23 March 2022, was refused by notice dated 17 May 2022.
 - The advertisement proposed is an LED screen advertisement hoarding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on the visual amenity of the area, and on public safety.

Reasons

Visual amenity

3. The proposal is for an illuminated LED advertisement to be positioned on the gable end of a terrace of dwellings fronting onto Oldham Road, which is a busy vehicular route. The gable faces directly onto a pleasant pocket park with mature trees, with further rows of terraced dwellings alongside. This area therefore has an overriding residential character. While a couple of the former dwellings on the other side of the park are now in commercial use, they include only small-scale associated signage such that they do not affect this overall residential character.
4. In contrast, the southern side of Oldham Road opposite the subject property is strongly commercial, including large footprint stores with a range of signage and car parking alongside. However, despite this close proximity, the two areas remain quite distinct in character with the road acting as the boundary between.
5. I accept that the advertisement's proposed level of illumination would appear to be in line with industry standards, would respond to changes in daylight, and would have no moving content. I also note that there is streetlighting nearby. However, on the side of the subject property there are no large scale or illuminated advertisements, and so the insertion of this large proposal on the gable would be an incongruous commercial feature, which would therefore

have a negative impact on visual amenity and cause harm to the residential character.

6. The advertisement would be highly prominent in various medium to short views both along Oldham Road and from a large part of the retail park, plus from the adjacent residential streets. It would also negatively impact on the pleasant views into and from within the pocket park, as a juxtaposition with the vegetation. This would be more apparent in months with less leaf cover, which would also allow for longer distance views. During the hours of darkness due to the illumination and changing images the advertisement's overall prominence would be further heightened.
7. The petrol stations with illuminated totem signs slightly further along Oldham Road are significantly far away that they align within the commercial character, and are also facilities where such signage is to be expected, unlike within the residential character around No. 373.
8. I have taken into account Policy 20 of the Oldham Development Plan Document Joint Core Strategy and Development Management Policies (2011) and the National Planning Policy Framework (2021) (the 'Framework'), which are material in this case as they seek to achieve high quality design which reflects the character and distinctiveness of the local area. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

Public safety

9. There is an array of signage and street furniture relating to the retail park in the vicinity of the proposed advertisement, which is visible for drivers travelling towards it along Oldham Road, and from the petrol station or Sisson Street junction. However, these are static and mostly non-illuminated especially in daylight. The addition of an illuminated advert with changing images has the potential from multiple viewpoints to distract from the concentration needed to negotiate these junctions. I accept that traffic may generally be travelling at low speeds in a relatively cautious manner due to the road layout, but this does not outweigh the potential for increased distraction at what is acknowledged to be an extremely busy junction on a strategic route. I therefore find that there is sufficient risk of distraction, such that highway safety would be compromised with resulting harm to public safety.
10. I have taken into account Policy 9 of the Oldham Development Plan Document Joint Core Strategy and Development Management Policies (2011) and the Framework, which are material as they specifically require for proposals to provide for the safety and security of all sections of the community including road users. The proposal conflicts with these policies in respect of public safety.

Conclusion

11. For the reasons given above I conclude that the advertisement would be detrimental to the interests of visual amenity and public safety, and therefore the appeal should be dismissed.

L Hughes

INSPECTOR