



Appeal Decision

Site visit made on 8 November 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/U4230/Z/22/3305624

Advertisement Board, Bolton Road corner of Alice street, Pendlebury, Swinton, Salford M27 8UX

- 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 Network Rail against the decision of Salford City Council.
 - The application Ref 22/79460/ADV, dated 3 March 2022, was refused by notice dated 1 July 2022.
 - The advertisement proposed is replacement of existing 1no. externally illuminated 48 sheet advertisement billboard with 1no. 48 sheet digital LED advertisement display.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the Regulations¹, and the Planning Practice Guidance, I have considered solely matters of amenity and public safety.

Main Issue

3. The Council does not object to the effects of the proposal on road safety or otherwise as regards safety more broadly, and there is nothing to lead me to a different conclusion in that respect based on the evidence before me. The main issue is therefore the effect of the proposal on the amenity of the area.

Reasons

4. The appeal site relates to an existing illuminated 48 sheet 'V' shaped sign which is located on an embankment on the corner of Bolton Road and Alice Street. The surrounding area is of mixed character with residential properties and a variety of commercial premises, including a commercial garage to the north-east, a public house/restaurant and function room facility on the opposite side of Bolton Road to the west, together with a primary school to the south. There are other signs within close proximity of the site, including fascia signs and road signs, together with items of street furniture, such as streetlighting.
5. The site is to the north-east of St Augustine's Conservation Area which includes three listed buildings: the Church of St Augustine, which is Grade I listed, and the Environmental Institute and St Augustine's Gate House, both Grade II listed buildings.

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

6. The existing advertisement is an established feature of the street scene. Though visible in both directions along Bolton Road, due to the use of external illumination by trough lighting the existing display has an understated appearance which does not significantly detract from the character and appearance of the area.
7. The appeal proposal is for the replacement of the existing display with an internally illuminated digital poster which would display static images that would be capable of changing every ten seconds. The maximum brightness of the proposed advertisement would be within the guidelines set by the Institute of Lighting Professionals Technical Note 5 and would be controlled by light sensors to vary the brightness of the screen according to the conditions. Its maximum luminance would not exceed 300cd/sqm at night.
8. Unlike the existing 'V' shaped sign, the proposal would be a single sided advertisement only. The existing south-east facing advertisement board would be removed which would reduce the extent of the advertisements on the site. However, the proposed display with images changing at regular intervals would render the proposal much more prominent, particularly during the hours of darkness. The proposal would appear brighter and sharper and therefore more eye catching than the existing advertisement. Viewed within the context of the area, including the nearby residential properties, I consider that in this particular case the method of illumination would result in a discordant and intrusive feature in the street scene.
9. The area is likely to be well lit by streetlighting and there are a variety of other signs within close proximity of the site. However, nearby signs are generally of modest scale. Whilst there is a 48 sheet advertisement further north-west on Bolton Road, it is attached to the gable end of a property and does not appear to use digital illumination and is not comparable to the appeal proposal.
10. There is no dispute between the main parties that the site is an established location for advertising. Be that as it may, I find that the appeal proposal would be a much more striking feature than the existing advertisement and would be significantly more harmful to the amenity of the area as a result.
11. The appellant states that digital advertisements already form part of the urban character of the local area and has referred to a number of other digital signs which have been permitted nearby. However, on the basis of the evidence before me I cannot be certain of the exact context or circumstances in which these were granted, or that they are directly comparable to the appeal proposal. In any case, I have considered the appeal on its own merits.
12. I have considered the appellant's suggested conditions, including controls on the maximum luminance of the sign and frequency of changes between adverts. However, these would not sufficiently mitigate the harm that I have identified above.
13. The Council have not identified any concerns in relation to the effect of the proposal on the character or appearance of the nearby Conservation Area or the setting of listed buildings. I have no reason to reach a different conclusion on the basis that the proposed sign would be angled away from the Conservation Area and a significant distance away from the listed buildings. Whilst the existing south-east facing advertisement board would be removed, it

has little impact on the character or appearance of the Conservation Area given its orientation and distance away.

14. The closest residential properties to the site are those located on Alice Street to the north. Due to the orientation of the proposed sign, the habitable room windows of the neighbouring properties would be likely to have only oblique views towards the display and at a reasonable distance away, which I consider would not be harmful to the outlook of these neighbours. However, this does not outweigh the harm to visual amenity identified above.
15. For the above reasons, I conclude that the proposed advertisement would have an unacceptable effect on the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material, although they have not been decisive. The proposal would conflict with Policy DEV2 of the City of Salford Unitary Development Plan 2004-2016, adopted June 2006 which, amongst other things, states that advertisements will be required to respect the sensitivity of the location and avoid the use of intense or intermittent illumination, where this would have a negative impact on visual amenity or highway safety. The proposal would also be contrary to paragraph 136 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

16. I have had regard to the appellant's statement of case which outlines the benefits of the proposal. However, the relevant considerations under the Regulations are limited to issues of amenity and public safety.

Conclusion

17. For the above reasons, and having taken all other relevant matters into consideration, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR