



Appeal Decision

Site visit made on 19 January 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/P4415/Z/22/3311433

Unit 1, Chesterfield Road, Swallownest, Rotherham S20 1DJ

- 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 Ben Porte, Clear Channel UK against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2022/1294, dated 17 August 2022, was refused by notice dated 11 October 2022
 - The advertisement proposed is described as the installation of 2no internally illuminated 48-sheet D-Poster (digital) displays.- Illumination to comply with Institute of Lighting Professionals' PLG05 (see planning statement) - Frequency of images to be no greater than once every ten seconds - No moving images, video or flashing lights to be displayed.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

3. The appeal site comprises part of an embanked landscaping strip which lies adjacent to the footway, alongside Chesterfield Road. The strip also extends around the perimeter of land which includes a bakery shop and a coffee shop, the latter of which incorporates a 'drive thru'. Both contain signage and a totem sign associated with the coffee shop lies close to where the proposed advertisement display would be located. A small totem sign associated with the bakery shop is further away.
4. There are further commercial uses on this side of Chesterfield Road, including a petrol filling station, a public house/restaurant and industrial units. These have their own signage. Chesterfield Road is a busy thoroughfare. Land on the opposite side of this road is more open in nature.
5. The design of the proposal would be of a large advertising display that would be supported by a solid upright unit. The proposal would therefore be of some size, despite that its height would be less than the adjacent totem sign. Its siting close to the footway on embanked land would further emphasise its

- presence. With its overall size and positioning, it would be a dominant and obtrusive feature that would be significantly visually harmful to the area.
6. Furthermore, when viewed together with the other signage, the proposal would have a jarring and discordant appearance. The coffee shop totem sign maintains a slender form and so does not have the same overall presence as would the considerably bulkier proposal. There would also be no great distance between these signs, due to their proximity. The proposal would also appear in the same view as a number of signs along this stretch of the road. Thus, with its contrasting size and design, it would lead to an uncomfortable clutter of advertisements that would further visually detract from the area.
 7. Although not decisive on their own, the digital nature of the proposal and the luminance would further result in what would be an intrusive form of development. It would not overtly break the skyline due to the other development on this side of Chesterfield Road, but it would obscure a significant proportion of the landscaping strip when viewed from either direction, unlike the existing signage. Hence, it would be out of place.
 8. It is not in dispute that the proposal would not be in a historical area, but this does not overcome the harm that would arise. Similarly, whether the area can be considered scenic and its architectural quality does not mean that the effect on the amenity of the area is not to be fully considered. In this regard, the landscaping strip helps to soften the appearance of the commercial development and the proposal would detract from this quality.
 9. Where the Planning Practice Guidance: Advertisements refers to that a large poster hoarding would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways), it then goes on to state that where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site. The proposal would adversely affect the visual amenity, for the reasons that I have set out.
 10. I conclude that the proposed advertisement would have an unacceptable effect on the amenity of the area. As such, it would not comply with paragraph 136 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
 11. I have taken into account the site's location in a defined industrial and business area under the development plan, and Policies SP32 and SP60 of the Council's Rotherham Local Plan Sites and Policies (2018) as far as they seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would harm amenity, it conflicts with these policies.

Other Matters

12. The main parties agree that the effect on public safety would not be unacceptable. In this respect, the proposal would not cause road safety issues. That it would not likely advertise the local commercial uses has a limited bearing. None of these matters though overcome the concerns over amenity.

Conclusion

13. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR