



Appeal Decision

Site visit made on 27 September 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/V4250/Z/22/3304778

306 Wigan Road, Ashton-In-Makerfield WN4 0BS

- 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 Wigan Metropolitan Borough Council.
 - The application Ref A/22/93290/ADV, dated 12 November 2021, was refused by notice dated 16 June 2022.
 - The advertisement proposed is the upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing 48 sheet advert to support digital poster at 306 Wigan Road, Ashton-In-Makerfield WN4 0BS. The consent is for five years from the date of this decision and is subject of the five standard conditions set out in the regulations and the following additional conditions:
 - 1) No individual advertisements displayed on the panel shall contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.
 - 2) The intensity of luminance of the advertisement shall be no greater than 300 cd/m² during twilight and the hours of darkness.
 - 3) The advertisement display shall not change more frequently than once every 10 seconds and the rate of change should be instantaneous (1 second or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays.

Main Issue

2. The Council does not raise concern with the proposal in terms of public safety. Therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal site is the gable end of 306 Wigan Road, a two-storey end terrace property, within the Bryn Local Centre which contains a mixture of residential and commercial uses. The gable elevation of the property contains an advertising billboard which has not altered in terms of its size and nature in over ten years and no enforcement or discontinuance action has been brought against it. No contrary evidence has been provided by the Council to suggest that it does not benefit from deemed consent.

4. Wigan Road is a busy road that links Bryn and Ashton-in-Makerfield. The road is also one of the main routes to Wigan Town Centre and the M6 motorway. The road is relatively straight near to the site, so long range views of the proposed advert would be possible.
5. The proposed 48 sheet advert would be of the same size as the existing advert and located in the same place. The proposed advert would be an internally illuminated digital display, and it would be highly visible, especially when viewed from Wigan Road on approach from the north-west. Despite its prominent position, the proposed advert would be appropriate for the size, scale and architectural detailing of the building bearing in mind the existing advert's size, scale and design. It would not be unduly obtrusive.
6. Subject to planning conditions, the advert would display static images, which would change instantly and no more than once every 10 seconds. Although the amount of different adverts would increase, only one advert would be visible at any one time and the frequency of change is acceptable given the site's context. A further planning condition to control the luminance at night time would ensure that the proposal would not detract from the amenity of the area bearing in mind the street lighting on the road and other commercial premises.
7. I therefore conclude that the proposed advert would not harm the visual amenity of the area. Policy CP10 of the Wigan Local Plan Core Strategy and the Advertisements Design Guide were cited by the Council in its reason for refusal. As this policy and design guide jointly seek gable wall adverts to respect their locality, in terms of the siting, size, scale and details used, so that they are not unduly obtrusive in the street scene, they are material in this case. Even so, the proposal would accord with them.

Conditions

8. Along with the 5 standard conditions, I have imposed conditions concerning the level of illuminance during twilight and night time hours, the screen display, and the frequency of the display changing. Each are necessary in the interests of public safety, to avoid glare, dazzle or distraction to passing motorists.

Conclusion

9. For the reasons given above, I conclude that the display of the advertisement would not be detrimental to the interests of amenity. As such, the appeal is allowed, subject to the conditions specified.

Andrew McGlone

INSPECTOR