



Appeal Decision

Site visit made on 31 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/J4423/H/21/3286475

Pavement outside 19 Market Place, Sheffield S1 2GH

- 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 JC Decaux Ltd (Martin Stephens) against the decision of Sheffield City Council.
 - The application Ref 21/03281/HOARD, dated 20 July 2021, was refused by notice dated 22 September 2021.
 - The advertisement proposed is Digital LCD display screen to Street Hub unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the description of development as used by the Council on the Decision Notice. This provides clarity as there was a separate application for a Street Hub unit that the advertisement would be attached to. I am satisfied that neither party is prejudiced by this course of action.

Main Issue

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. On that basis, the main issue in this appeal is the effect of the development on amenity with regard to visual prominence and the proposed city centre realm improvements.

Reasons

5. The appeal proposal seeks the approval for an LCD advertisement panel that would form part of a new BT Street Hub that was the subject of a separate appeal (3286473) at the above site.
6. The proposed LCD screen would display static images. Conditions could be imposed to require a minimum 10 seconds display time for each piece of content on the digital displays, and to control the intensity of the illumination.
7. Nevertheless, LCD displays of a similar size to that proposed are not common in the immediate vicinity. Considering this, the large-sized LCD screen, would appear as overly-dominant and visually intrusive in this location which contains

- a number of historic buildings. Although the LCD screen would automatically dim in the hours of darkness, considering the size of the proposed illuminated screen in this prominent location, the overall visual effect would be particularly noticeable and harmful in the hours of darkness.
8. The proposal would result in a large, illuminated display screen in a prominent location. The appellant stresses the benefit of a proportion of display time being made available for public information, however the majority of display time would be commercial advertising, updated with frequent changes. The dynamic nature of this presentation be ill at ease with an area, part of the city centre where advertisements are not prevalent and commercial activity is less intense.
 9. I acknowledge that the proposed level of illumination appears to be in line with industry standards and best practice, and that conditions could control matters such as luminosity, frequency of image change, and for the use of only static images. However, this would not mitigate the harm as outlined above.
 10. The advertisement and its supporting structure may have a better appearance in the streetscene than the existing structure at the site. However, this would not sufficiently mitigate the harm that would arise from the increased amount of advertising at this location.
 11. In addition, I have considered the evidence suggesting an improved visual appearance overall due to the reduced footprint and modern appearance compared to the existing phone box, but do not agree that the addition of digital display screens to the streetscene is an improvement.
 12. In assessing the proposal from an amenity perspective, it is difficult to disassociate the advertisement from its proposed housing. No other way of supporting the advert has been forwarded and without the associated housing the advert could not exist in isolation. Thus, whilst this decision relates solely to the advert and makes no comment on the planning merits of the proposed street hub, I have taken account of the nature of the proposed housing as part of the context of assessing the visual amenity of the proposed advert.
 13. I also have to consider the issue of the public realm improvements proposed, but as for the appeal for the kiosk structure, I cannot find harm for this matter alone as the appellant is willing to make arrangements for the appropriate re-siting of the kiosk but this does not overcome the harm caused by the nature of the advertisement proposed.
 14. Given the above, I conclude that the proposed advertisement would form an overly dominant and incongruous feature in the street scene, paired with the kiosk as it is, which has received a separated dismissal at appeal, causing harm to the amenity of the area.
 15. The proposal would not accord with the requirements of Saved Policy S10 (d) of the Sheffield Unitary Development Plan (1998) which states that development should be well designed and be of a scale and nature appropriate to the site. This is not determinative in itself as per the Advertisement Regulations, but the proposal would also not comply with the provisions of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Conclusion

16. For the above reasons, having had regard to all matters raised, I conclude that the appeal should not succeed.

Paul Cooper

INSPECTOR