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# Appeal Decision

Site visit made on 24 January 2023

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 February 2023**

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**Appeal Ref: APP/J4423/Z/22/3306787**

**198 Brook Hill, Sheffield S3 7HE**

- 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 Sheffield City Council.
  - The application Ref 22/01693/HOARD is dated 21 April 2022 and was refused by notice dated 19 July 2022.
  - The advertisement proposed is described as 'Erection of new digital poster display.'
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## Decision

1. The appeal is allowed, and express consent is granted for the replacement of existing advertising billboard display with single sided, internally illuminated digital LED poster display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions: -
  - 1) Static images to be displayed only. The advertising display shall contain no moving images, animation, video or full motion images, audio or any images that resemble road signs or traffic signals.
  - 2) The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall be instant with no sequencing, fading, swiping, or merging of images.
  - 3) The screen shall not exceed a luminance of 100cd/sqm at during the hours of darkness and shall be switched off between the hours of 24:00 and 05:00.
  - 4) The screen shall not exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2015 during daylight (dawn to dusk).
  - 5) The display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
  - 6) In the event of a malfunction, the advertisement screen shall have a default mechanism to display a black screen to avoid any flashing error messages or pixilation.

## Preliminary Matters

2. The appeal proposal would involve the removal of the existing paper and paste billboard, and its replacement with a new internally illuminated digital media display. The Council assessed the proposal on that basis, and so have I. The description of the proposal in the banner heading above, which is taken from

the application form, is less precise, and so I have altered it accordingly in my decision to that used by the Council.

3. The main parties have referred to various planning policies as well as government guidance on advertisements. The Council has referred to 'Saved' Policies BE13 and H14 of the Sheffield City Council Unitary Development Plan 1998 (UDP) which seeks to ensure advertisement proposals do not harm the character and appearance of the area and the National Planning Policy Framework (the Framework). The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. As such, the planning policies cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.

### **Main Issue**

4. The Council has raised no concerns regarding highway safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on amenity.

### **Reasons**

5. The appeal site is located on the corner of Brook Hill and St Georges Close, on the gable end of a terrace of commercial units. It would be sited perpendicular to the highway replacing an existing poster advertisement. The gable of the appeal building is in a prominent position facing the busy roundabout and will be visible when travelling east down Brook Hill within the vicinity of Sheffield City centre and University buildings.
6. The proposed digital poster (D-poster) will be of the same size and orientation as the existing sign facing the roundabout. Although it would not be sited centrally on the building, it would not obscure any architectural features on this large blank gable, noting that the Council considers the format and orientation fits in with the scale and size of the host building and will not encroach on, or exceed, the ridge height of the building.
7. The proposal would be sited higher than the original poster, and I accept that this would make it more prominent. However, the drawings show the poster sited in line with upper windows on the front of the building. Therefore, this would leave a sufficient amount of space between it and the eaves to not harmfully dominate the gable.
8. The appellants also state the advertisement casement would be a thinner display than the existing billboard, making it less bulky than the existing advertisement. The proposed drawing (PA04) shows that from a side-on view this would be the case.
9. The proposal would also be seen in the context of significantly higher, prominent and colourfully clad contemporary buildings opposite the appeal site, which would therefore help to ensure the proposal would not appear garish and would relate well in scale and design to its varied surroundings even with the additional height and more prominent appearance.
10. The D-poster would also be seen within the context of other signage, and nearby shopfront and fascia signs advertising the commercial businesses on Brook Hill. Other fascia signs on the commercial units on Brook Hill are also illuminated. Two digital LCD display screens are also located on the south side

of Brook Hill, to the south west of the site, with digital road displays also visible. To my mind, these did not detract from this vibrant area. In my view, notwithstanding that this is a gateway site into the city centre, the D-poster would not appear visually inappropriate or incongruous within this particular location.

11. I have also taken account of the relationship with the flats on the opposite corner of Brook Hill and St George's Close. However, having regard to the 'Light Spill' diagram prepared by the appellants, these flats are outside of the limits showing the light spill. As such, I am satisfied that the outlook of the occupiers would not be harmed by any change to the overall nature of the hoardings. In any event the main windows of these properties are sited facing the main road rather than the appeal site. Furthermore, the appellant has confirmed they would be willing to accept a condition limiting the night time illumination to 100cd/m<sup>2</sup> and the use of the display during the night. Thus, the intensity of light would not be obtrusive and would be suitably controlled.
12. I am satisfied that the proposed digital advertisement would not result in unacceptable harm to the amenity of the area. Notwithstanding whether the existing paper and paste hoarding had consent, I have assessed the proposal on its own merits and found it to be acceptable.
13. In reaching this view I have had regard to policies BE13 and H14 of the UDP, and paragraph 136 of the Framework insofar as they are material to the consideration of amenity. These seeks to ensure that proposals are well designed with regard to the safety of the public realm, and so is material in this case. As I have concluded that the proposal would not harm amenity there would be no conflict with this Policy.

### **Other Matters**

14. The Council has identified that the site is in relatively close proximity to the Grade II Listed buildings, (The Church of St George and the former Jessop Hospital). Whilst the statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, I am satisfied the proposal would not visually compete with these buildings or their setting.

### **Conditions**

15. I have reviewed the conditions put forward by both the Council and the appellant. I have amended the conditions, and both main parties have had the opportunity to comment on these. In addition to the five standard conditions, I have imposed a condition to ensure static images are displayed. I have preferred the appellants suggested conditions in relation to luminance levels and amended the timing of changing screens. I have also imposed conditions which require the screen is turned off between 24:00 and 05:00 and for the display to comply with ILP guidance. I have also imposed conditions for a light sensor to be fitted and a blank screen to be displayed in the event of a malfunction. I consider these conditions to be reasonable and necessary in the interests of amenity and public safety.

## **Conclusion**

16. For the reasons given above and having had regard to all other matters raised, I conclude the appeal should be allowed subject to conditions.

*K Williams*

INSPECTOR