

Appeal Decision

Site visit made on 22 May 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/P4225/Z/23/3315989

Land at Hollin Lane, Middleton M24 5EE

- 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 Securities Limited against the decision of Rochdale Borough Council.
 - The application Ref 22/01324/ADV, dated 14 September 2022, was refused by notice dated 21 December 2022.
 - The proposal is the upgrade of existing 48 sheet adverts to support digital posters.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on amenity.

Reasons

3. The application address refers to the site being at 79 Rochdale Road, Middleton. The council have recorded the site as being Land at Hollin Lane, Middleton. As it would appear that 79 Rochdale Road is a semi-detached house in the vicinity and as the plans do not suggest a link between the two sites, I have used the council's description to avoid confusion.
 4. The application form description of the proposal is the upgrade of the existing 48 sheet adverts to support digital posters. Whilst this adequately describes the proposal it should also be made clear that the current three unlit paper posters on the site would be removed and would be replaced by a double-sided advertisement in the position of the current north facing advert.
 5. The site lies within the Middleton Town Centre Conservation Area. To the north of the site, Hollin Lane forms the boundary to that area. The boundary follows the wide grass verge that adjoins the roadside footpath with a tree lined boundary to the cricket ground beyond. When approaching from the northwest, the grass verge and heavily landscaped boundary provide a positive feature that is important to the character and appearance of the conservation area. The current single northwest facing advert is an extremely discordant feature in this approach. Although there are commercial properties at the junction with Rochdale Road beyond, these are of a scale not too dissimilar to the houses
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along Hollin Lane and the amount of signage is relatively limited. In essence the character of this particular approach to the conservation area is not commercial, it is predominantly residential in character and it is dominated by the terrace of houses and the landscaped boundary to the cricket club opposite.

6. The proposal would replace the existing advert. The new structure would be neater, more modern and in all likelihood, better maintained than the aging paper advert and its supporting structure. During the day, the more vivid and vibrant colours of a LED display, together with the changing display and colour schemes, would draw attention to it. During the hours of darkness, it would be significantly more intrusive in this setting given that the existing advert is not illuminated. Its use overnight, when there would be very limited other activity, would be even more at odds with the primarily residential character of Hollin Lane. It would therefore result in considerably more harm to the visual amenity of the area.
7. The proposed south facing advert would replace two similar sized paper adverts. These are viewed from the junction of Rochdale Road and Hollin Lane. Rochdale Road includes residential properties to the east and west but commercial properties are also clearly a feature of the character of the area in this location, particularly at this junction. The two large adverts are not as uncharacteristic when viewed in this general setting as the north facing advert. They are however of a scale that detracts from the character and appearance of this area. Physically, the replacement of these two adverts with a single advert structure would represent an improvement as the advertisement, although still prominent and somewhat discordant, would be less dominant.
8. The impact of the operation of the proposed single southeast facing advert during the day, would represent an improvement compared to the existing arrangement. During the hours of darkness, when the current adverts are illuminated only by streetlights, the single digital display would be significantly more noticeable. Given the amount of traffic; the highway infrastructure including traffic lights; the other activity at this junction including that associated with the commercial units and their signage, I can appreciate the view of the conservation officer and planning officer that this may bring an enhancement to the conservation area in this location. However, when activity is more limited overnight, the continuation of the changing illuminated display would become a very dominant feature which would be more at odds with the appearance of this area than the two panels that are set against the backdrop of the cricket ground trees and illuminated only by streetlights. The dark background would make the digital display more prominent at these times.
9. The council has made reference to the impact of the displays on the residents of nearby properties. The rear rooms of 81 and 83 Rochdale Road face away from the new sign position and it would only be noticeable from a very restricted angle. The Hollin Lane properties would have angled views towards the north facing advert but its impact would more likely be of concern when leaving or entering the houses during the hours of darkness for the reasons set out above with regard to the change to the character and appearance of the area.
10. The appellant has suggested a range of conditions which would be necessary to ensure the digital displays would not result in distractions to drivers. Based on

the submitted conditions, I consider that there would be a number of benefits to the reduction in advertising and the improved position of a single south facing display. Overall, this would improve the daytime appearance of this site as found by the conservation and planning officer. However, as the adverts are not currently illuminated and the conditions would not restrict their night-time use, other than brightness, I consider that there would be considerable additional harm to the appearance of this area at night, particularly overnight.

11. Although not included in the proposed conditions, the appellant's appeal statement does allude to the potential for conditions to require an overnight curfew for the displays and reduced night-time brightness outside of the curfew, to 100 cd/sqm rather than the 300 cd/sqm referenced in the suggested conditions. Reference is made to an approved sign in Barnsley which is described as being in a sensitive area due to the proximity of residential properties. That decision required a night-time curfew between 2300 hours and 0700 hours and a restriction on non-daylight brightness, outside the curfew, to 200 cd/sqm.
12. An overnight curfew would bring significant benefits although the times set out in the Barnsley decision appear overly generous with regard to the 2300 hour start given the residential nature of the area to the north. Given the lack of current illumination, the brightness during darkness outside of any curfew should be limited to the minimum necessary. The 100cd/sqm suggested would be a significant improvement although I have no information to suggest that the advert would function adequately at this brightness which would be necessary for a condition to be reasonable.
13. Subject to strict conditions on hours of use and reduced brightness levels, I am satisfied that the southern advert would provide significant benefits compared to the current situation and would not result in harm to amenity. The north facing advert would however be harmful to visual amenity if operated during the hours of darkness as it would add to the level of incongruity of this large display set within this predominantly residential and landscaped area. It would not be appropriate to impose conditions that have not been suggested by the appellant and considered by the council. I am not therefore prepared to impose more onerous conditions than those set out. Whilst the Barnsley decision conditions have been provided to support the appellant's case, these would not fully address my concerns and in any event, it is not clear that these are being proposed in this case. Based on the proposal before me therefore, I find that overall, the proposal would result in unacceptable harm to amenity, particularly with regard to the display facing north.
14. I have had regard to the commercial, resource usage and other benefits of digital displays which support this proposal. I have also considered the displays referred to elsewhere although these are not entirely comparable.
15. Reference has been made to the council's development plan policies. The Regulations, the *National Planning Policy Framework* and the *Planning Practice Guidance* require that decisions are made only in the interests of amenity and public safety. Public safety has not been raised as a concern subject to conditions. I find some conflict with policies P1 and DM1 of the Rochdale Adopted Core Strategy 2016 as the north facing display in particular, would not

respect its context or enhance the quality of the area. Whilst not decisive, I have taken this into account.

16. In conclusion, although some benefits would result with regard to the south facing advert, because of the scale of harm resulting from the north facing advert, overall the proposal would increase harm to visual amenity. I acknowledge that the proposal would offer commercial benefits and would reduce resource wastage; and has the potential to improve the southern facing advert appearance subject to more onerous conditions than those suggested. However, the positive aspects of the proposal are not sufficient to outweigh the harm that would result to the amenity of the area to the north, in particular. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR