



Appeal Decision

Site visit made on 26 July 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/A0665/Z/23/3317549

The Sidings, Pullman House, Boundary Lane, Chester CH4 8RD

- 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 of Clear Channel UK against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02476/ADV, dated 27 June 2022, was refused by notice dated 23 February 2023.
 - The advertisement proposed is described as the "Installation of an internally illuminated 48-sheet D-Poster (digital) display".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For reasons of conciseness, I have amended the description of advertisements in the banner above from that which is detailed within the application form to omit detail which goes beyond the information needed to describe the advertisement.
3. I have also amended the address from that contained within the application form to rectify an ordering issue.

Main Issues

4. The main issues are the effect of the advertisement on a) the amenity of the area and b) public safety.

Reasons

Amenity

5. The appeal site lies immediately adjacent to an elevated railway bridge, which has a heavily landscaped embankment. The surrounding area is generally commercial in character although there are residential properties in close proximity to the site. There is a mix of fascia advertisements on numerous buildings in the area, and these generally appear to be non-illuminated. An exception is the illuminated totem sign, adjacent to ASDA on the northern side of Chester Street.
6. The proposed advert would be located in a prominent position set against the vegetated backdrop of the railway embankment, and would be highly visible to both vehicular and pedestrian users of Chester Street/High Street. The digital

illumination of the large display would result in a visually incongruous feature that would markedly contrast with the verdant backdrop. The intermittent changing of the advertisement would draw additional attention to the display, further compounding the incongruity and prominence of the signage.

7. While there are numerous other adverts in the area, these are smaller in scale and/or not illuminated. The proposed advert would stand out from these more modest advertisements and would result in a dominant and incongruous addition within the street. Notwithstanding the presence of streetlighting, and its location adjacent to a main road, the effect of the illumination of the digital display would be even more apparent in low light conditions and at night. This would accentuate the visual prominence of the proposed sign, causing harm to the amenity of the area.
8. Conditions have been suggested by the appellant with regard to complying with best practice luminance; restricting the nature of images to be displayed; the hours of display; and, the frequency of image change. However, such controls would not be sufficient to mitigate the harm to visual amenity.
9. I understand that a sign was previously located at this site, however I do not have full details of its size, type or any illumination. Even if there was a previous sign here, I have found that the proposed digital advertisement with changing images would be unacceptable.
10. For the above reasons, I conclude that owing to its scale, position, form of illumination and changing images, the proposed advertisement would cause harm to visual amenity.
11. I have taken into account the provisions of the development plan in so far as they are relevant to visual amenity. Policy DM3 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (the LP) seeks to protect the visual amenity of the area, while Policy DM17 of the LP requires that advertisements do not cause unacceptable harm to amenity and be designed to respect the general characteristics of the locality.
12. , As the advertisement would be harmful to amenity, it would not accord with Policies DM3 and DM17 of the LP.

Public Safety

11. Chester Street/High Street is well trafficked and is one of the main arterial routes into Chester. A signal-controlled junction, with pedestrian crossing, is located to the west of the site at the junction of Boundary Lane, Chester Street, High Street and River Lane. Safety railings are provided on the corners of the junction, while a narrow central refuge, with no railings, is located on the eastern arm of the junction. The footpath on the southern side of Chester Street narrows from the cross roads towards the railway bridge before terminating at the bridge, while the footpath on the northern side is wide before narrowing at the railway bridge.
12. The Planning Practice Guidance¹ (the PPG) states that all advertisements are intended to attract attention, and those at points where drivers need to take more care are more likely to affect public safety. These include, amongst others, junctions, pedestrian crossings, and the approach to low bridges. These

¹ Paragraph: 067 Reference ID: 18b-067-20140306

factors apply here. Furthermore, the PPG advises² that the main types of advertisement which may cause danger to road users are those which are illuminated; those which could be mistaken for, or confused with, traffic lights; and, those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.

13. As I have identified above, the sign would be a prominent feature within the streetscene and this would be most apparent when approaching the site in an eastbound direction, and through the signalled junction. I acknowledge that the approach to the appeal site, along High Street/Chester Street is generally straight, with the site visible for some distance from the west. Nonetheless, eastbound drivers need to be mindful of oncoming vehicles turning right into River Lane. The termination of the southern side footpath at the railway bridge means that pedestrians using that footpath would cross Chester Street at an uncontrolled location. Due to the lack of a safety railing, the central refuge offers pedestrians limited protection.
14. The intermittent changing of the advert display has the potential to distract motorists and create visual confusion. Any momentary loss of driver concentration through this junction, given the highway conditions I have identified, poses a risk to other road users and pedestrians. I understand that Chester Street can become congested, but even at low speeds, distraction from the intermittently changing sign could cause momentary lapses of concentration, with associated risks for the safety of other road users.
15. I acknowledge that no evidence has been provided of any traffic incidents at this junction. However, I cannot be certain that incidents have not occurred and I remain concerned that the proposed display could cause a distraction for motorists approaching the junction, which could increase the risk of such incidents. The potential for distraction is a point raised by the Highways Officer, and I am in agreement with their concern in this regard. Again, I have had regard to the suggested conditions and do not consider that such measures would address the concern to public safety that I have identified.
16. For the above reasons, I conclude that owing to its size, position and changing images, the proposed advertisement would create an unacceptable risk to the safety of pedestrians and other road users.
17. I have taken into account the provisions of the development plan in so far as they are relevant to this issue. Policy STRAT10 of the Local Plan (Part One) 2015 requires that development contribute to safer transport, and LP Policy DM17 seeks to ensure that advertisements do not cause unacceptable harm to public safety. Given that I have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with these policies.

Conclusion

18. I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

² Paragraph: 068 Reference ID: 18b-068-20140306

D Cleary

INSPECTOR