



Appeal Decision

Site visit made on 3 October 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 26.10.2023

Appeal Ref: APP/W4223/Z/23/3327416

Two Apples, 341 Rochdale Road, Oldham OL1 2HD

- 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 Vivid Outdoor Media Solutions (A) Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref ADV/350087/22, dated 31 October 2022, was refused by notice dated 13 July 2023.
 - The application is for replacement of the existing dilapidated wooden 48 sheet billboard (3m x 6m) and PVC advertisement (3m x 6m) with two new modern LED 48-sheet advertisements (3m x 6m), comprising pressed metal frames and sealed LED screens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the safety of road users.

Reasons

3. The site of this appeal is concerned with the placement of an illuminated digital advertising display to replace an earlier conventional advertisement hoarding that has since largely fallen into disrepair. The site is an area of land behind a former public house building that is now used as a restaurant of some type called 'The Two Apples'. The building itself is of traditional character and I consider it typical of a later 19th century Victorian urban pub.
4. The building stands prominently within this relatively major junction at a literal fork in the roads, Rochdale Road running to one side and Featherstall Road to the other. To the side of the building there is an outshut and the location of the proposal is beyond this whereby there is currently a PVC advertisement of a very modest height. It appears that there was, at some time in the past, a higher billboard type sign here, but I could see little trace of such an advertisement structure and I consider that the site has largely regressed back to nature.
5. I saw on my site visit that the site is visible on the two major approaches along Featherstall Road and the former public house is something of a focal point here usurped only by the grand former mill buildings farther south. At this junction there are a plethora of traffic lights and pedestrian crossings over numerous lanes.

6. The proposal before me would replace the existing PVC banner advert with significantly higher metal framed LED displays. The displays would be mounted upon steel supports that would raise the display up to around 2.5m above ground level prior to the 3m high display beginning. The display panels would be located back to back so as to provide a dual aspect display in order to catch the attention of drivers approaching the junction from both directions.
7. As a result of this the height of these panels, the proposed advertisement would, I consider, be nearly as high as the former pub and would tend to dominate the approach here. As such, I consider that any driver approaching in either direction would inevitably be attracted to the displays.
8. This is ofcourse to be expected, however the matter at hand is whether the presence of these changing digital displays would run the risk of creating a significant extra hazard to road users when compared to those here some time ago. I saw on my site visit that the location of the panel could well be seen as a backdrop to the traffic lights when seen from the north, travelling in a southerly direction towards the fork in the roads.
9. As a result, I consider it very likely that drivers would be more focussed upon the advertisement rather than the plethora of traffic lights before them, providing as it would, a kind of LED backdrop to the traffic lights that would change at regular intervals. In this scenario, I consider that cognitive demand would be at its greatest and that the risk of added hazard in this approach remains. I consider therefore that the introduction of such a panel, at such a height in this location would indeed run the realistic danger of distracting a driver and causing a hazard to road users far greater than any static conventional display would have done.
10. Equally, on approach in a northerly direction, the reverse panel would be seen at a more oblique angle. However, it would still be located along this busy stretch of dual carriageway on what appeared to me to be a fast approach to this junction where vehicles are required to change lanes in order to turn right. As such I consider a hazard of smaller magnitude could likely arise through the changing patterns and colours associated with such a device in this location.
11. In light of this assessment, I consider that the proposed LED panels would have an real and unacceptable impact upon highway safety and that the implications of this display were it to go ahead could be severe. As such I consider that the proposal would be contrary to Local Plan Policy 9 of the Oldham Local Plan that seeks to protect the highway safety of road users and that the appeal must fail.

Other Matters

12. The Appellant's have brought to my attention other such display boards in similar locations, some of which have been supported by appeal decisions by other Inspectors. However, none of these decisions or examples specifically relate to this site, nor are any directly comparable to it. Moreover, I have no evidence before me to enable a direct comparison between these schemes and as such I can only give these other examples very limited weight.

Conclusion

13. For the reasons above, taking into account the particular criteria of this proposal, I dismiss the appeal.

A Graham

INSPECTOR