



Appeal Decision

Site visit made on 16 October 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/J4423/Z/23/3323716

668 Barnsley Road, Sheffield S5 6UB

- 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 the decision of Sheffield City Council.
 - The application Ref 23/00760/HOARD (Formerly PP-11961877), dated 24 February 2023, was refused by notice dated 25 April 2023.
 - The advertisement proposed is described as "upgrade of existing 48 sheet advert to support digital poster".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. The Council has drawn my attention to Policy BE13 of the Sheffield Unitary Development Plan (UDP), which is considered relevant to this appeal, and I have taken it into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach. Therefore, in my determination of this appeal, the Council's policy has not, in itself, been decisive.
4. Advertisement consent is sought for the installation of an internally illuminated digital hoarding sign which would replace an existing non-illuminated hoarding sign at the site. There is nothing before me to indicate that the existing sign has express consent although the appellant indicates that it has been in place for a period of more than 10 years. Whether or not the existing advertisement can be deemed lawful or otherwise, is not a matter for me to consider under this Regulation 17 appeal. Nevertheless, the Council is aware of its presence and in its officer report acknowledges that the proposal would be a replacement for the existing hoarding. On that basis I am satisfied that no party would be prejudiced by my consideration of the appeal on the same basis.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Main Issue

5. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site is the flank wall of an existing two-storey residential dwelling located at the junction of Barnsley Road with Mortlake Road. This is predominantly a residential area, with dwellings located on the eastern side of Barnsley Road and the Northern General Hospital on the western side of the road.
7. There are no commercial advertisements within the surrounding area, except for the large advertisement attached to the southern elevation of No 668 Barnsley Road. The submitted plans indicate that the existing advertisement is approximately 3m high and 6m wide. The proposal would be a replacement of this advertisement and would have the same size as the one it replaces. It would have an elevated position, approximately 3.2m from the ground and would be visible from both Barnsley Road and Mortlake Road.
8. Due to a combination of its location, size, and illumination the advertisement would be highly prominent in the street scene and would appear out of place and dominant in this residential area. I note there are other sources of illumination, particularly from the street lighting, within proximity of the appeal site. However, given the prominent location of the advertisement, the illuminated changing images would stand out, during both the day and at night, further accentuating its visual prominence and thus its harmful effect on the visual amenity of the area. This would be irrespective of the appeal site location outside a Conservation Area or not close to Listed Buildings.
9. I do not find the proposal directly comparable with the existing advertisement, as the method of illumination proposed, the sharper vivid images and the movement created by the changing displays would add to the prominence of the development and its incongruity on a domestic property.
10. The appellant has drawn my attention to a development that was allowed in a different area of the city². I acknowledge the similarities in terms of the developments themselves. However, having read the appeal decision for that case, the characteristics of the areas for each development are different, as the area of the allowed case is described as containing commercial buildings and other signage. Accordingly, I have considered the appeal development based on its own site-specific circumstances.
11. I have considered the appellant's suggested conditions, including the proposed limit for the luminance level and a minimum time for an image to be displayed. However, these would not be sufficient to mitigate the overall harm that I have identified above. Therefore, the proposed advertisement would cause harm to the visual amenity of the area and would not accord with the aims of UDP Policy BE13.

Other matters

12. As indicated above, powers to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. Whilst I have noted the Council's concern regarding the effect of the

² Appeal ref: APP/J4423/Z/22/3306787

proposal on the living conditions of the occupiers of nearby dwellings in terms of light pollution, this matter is not determinative in my consideration of the appeal.

13. Whilst I acknowledge the environmental, social, and economic benefits outlined by the appellant regarding digital advertisements, including the overall reduction of panels nationwide, they do not outweigh the harm to the visual amenity.

Recommendation

14. For the reasons given above and with regard to all other matters raised, I recommend that the appeal is dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Ashworth.

INSPECTOR