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# Appeal Decision

Site visit made on 23 December 2023

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

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

**Decision date: 31 January 2024**

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**Appeal Ref: APP/W4223/Z/23/3332725**

**Gable of 423 Park Road, Oldham OL4 1SQ**

- 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 for the display of an advertisement.
  - The appeal is made by Wildstone Estates Limited against the decision of Oldham Metropolitan Borough Council.
  - The application Ref ADV/350956/23, dated 31 March 2023.
  - The advertisement proposed is replacement of existing poster advertisement with digital display.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
3. Since the determination of the application the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

## Main Issues

4. The main issue are the effect of the advertisement on (i) public safety; and (ii) the amenity of the area.

## Reasons

### *Public Safety*

5. The appeal site is the gable of No. 423 Park Road which is located close to the signalised junction with pedestrian crossing facilities at Glodwick Road and Abbey Hills Road.
6. The proposed digital advertisement would replace an existing externally illuminated advertisement hoarding of similar size. The proposed

- advertisement would be located at a higher level than the current advertisement.
7. The proposed illuminated digital advertisement would comprise a static advertisement image which would change approximately every 10 seconds. There are a number of advertisements in the area.
  8. The National Planning Practice Guidance confirms that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
  9. The proposed advertisement is adjacent a busy signalised junction, the illumination and changing static images would be obvious to road users. Notwithstanding this it would not be unusual to see such an advertisement in the mixed use area, especially in light of the variety of signage in the vicinity of the appeal site. I observed during my site visit that the advertisement would be viewed against the backdrop of the gable wall of an existing property which currently has a similar scale advertisement.
  10. Whilst the advertisement would change images which would attract the attention of motorists, these would be static images with little difference to a traditional non-digital externally illuminated image. However, relocating the advertisement higher on the building would make the images more prominent on the approach to the junction.
  11. The Council confirm that the route is a main corridor into Oldham from Tameside and is regularly monitored for road traffic injury collisions, speeding and near misses and that the route attracts speeding and poor driver behaviour. There is a disagreement between parties with regard to accident record at or near the junction.
  12. Notwithstanding this I observed during my site visit, which whilst only a snapshot in time, that the junction was busy with multiple pedestrian crossing areas and separate accesses to/from Park Road near the location of the proposed advertisement.
  13. The busy junction on a main route, where speeding occurs, combined with the accesses to/from Park Road near the junction persuade me that a more prominent digital advertisement with changing images would constitute a source of distraction to motorists, to such a degree that there would be a detriment effect on the safe flow of traffic and pedestrian safety. I conclude that the display of the proposed illuminated digital advertising would harm public safety.
  14. I have taken into account Policy 9 of the Oldham Development Plan Document – Joint Core Strategy and Development Management Policies (2011) (the DPD) which seeks to ensure that developments do not harm the safety of road users. Given I have concluded that the proposal would harm public safety, the proposal conflicts with this policy.
  15. I find conflict with the Framework which seeks to protect places from poorly sited and designed advertisements.

### *Amenity*

16. In assessing amenity, I have taking into account the advertisements on nearby properties. The advertisement before me is on a prominent gable. Notwithstanding this the replacement advertisement would not be dissimilar in the wider area to that of the existing advertisement.
17. Nevertheless, due to the elevated position, scale, illumination and changes to images the advertisement would be a prominent and intrusive addition to the area when viewed from the rear of No. 24 Glodwick Road. The advertisement would harm the living conditions of the occupants of No. 24.
18. I conclude that the display of the digital advertisement proposed would be detrimental to the amenity of the area.
19. I have taken into account Policy 9 of the DPD which seeks to ensure that developments do not harm the amenity of neighbouring occupants and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.
20. I find conflict with the Framework which seeks to protect the quality and character of places from poorly sited and designed advertisements.

### Other Matters

21. The Appellant has drawn my attention to the fallback position associated with the existing advertisement, other advertisements, and appeal decisions. Whilst the existing advertisement exists and could be retained, in the current form and location it is less intrusive than the proposed development. In terms of other advertisements and appeal decisions, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

### **Conclusion**

22. The appeal is dismissed and express consent is refused for the replacement of existing poster advertisement with digital display as applied for.

*C Pipe*

INSPECTOR