



Appeal Decision

Site visit made on 4 April 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/A0665/Z/23/3334071

Junction of A5018 and Wharton Road, Winsford CW7 3AD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Adil Iftakhar of Wexham Homes Limited against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/01195/ADV.
 - The advertisement proposed is conversion of poster advertisement display to digital.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the Regulations¹, and the Planning Practice Guidance (the PPG), I have considered solely matters of amenity and public safety, taking account of any material factors.
3. The revised National Planning Policy Framework (Framework) was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties.

Main Issues

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

Reasons

Amenity

5. The appeal site relates to an existing advertisement board on an elevated area of grass verge directly to the north of the roundabout at the junction of the A5018 and Wharton Road. Residential properties are located to the north and east of the site and to the south-east there is a two storey property, 73 Wharton Road, which is situated at the end of a row of properties close to the junction. No 73 is occupied by a barbers at ground floor and there is a public house opposite it, but otherwise the surrounding area is dominated by housing and the busy road network.
6. There were originally five 48-sheet advertisement boards adjacent to this side of the roundabout, comprising four boards adjacent to the timber fence and

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

one attached to the gable end of No 73. A previous application to remove all five of the boards and replace them with a single digital advertisement to the gable end was allowed on appeal in 2017². The previous Inspector found that the proposal would represent a substantial improvement to the character and appearance of this area due to the overall reduction in the number of large advertisements. However, whilst the new digital advertisement is now in-situ and three of the advertisements adjacent to the fence have been removed, one remains. It is this remaining advertisement board, which is around 6 metres wide and 3 metres high, that the appellant proposes to replace with a new digital display of the same dimensions and in the same position.

7. Due to the trees lining the road, the proposal would be well screened when travelling towards the site from the north along the A5018. Nor would it be prominent from Wharton Road. However, due to its elevated position on the embankment, the proposal would be highly visible to drivers and others using the roundabout and those travelling east towards the roundabout from the direction of Winsford Bridge.
8. From these vantage points the proposal would be seen partly against the backcloth of the timber boundary fence with two storey dwellings beyond. I acknowledge that the proposed sign would be of the same dimensions and in the same location as the existing display and that the area appears to be well lit by street lighting. However, the proposed LED display with images changing at regular intervals would render the proposal much more prominent, particularly during the hours of darkness. It would appear brighter and sharper and therefore more eye catching than the existing display. Viewed against the backdrop of the properties to the rear of the appeal site, I consider that the proposed advertisement would be an unduly prominent and intrusive feature in this predominantly residential area.
9. In addition, the proposal would be close to and be seen alongside the existing digital display to the gable end of No 73. I consider that the cumulative visual impact of the two digital displays would result in a cluttered appearance which would be harmful to the character and appearance of the area.
10. The appellant considers that the proposal would not constitute an increase in advertisement displays over the existing display, which has been in place for a number of years. However, the previous advertisements, including the one that is the subject of this appeal, were to be removed in accordance with the terms of the previous appeal decision in 2017. It was on that basis that the previous Inspector found there to be a substantial improvement to the character and appearance of the area. Therefore, the presence of the existing advertisement does not provide justification to allow the appeal scheme.
11. For the above reasons I conclude that the proposal, due to its design, siting and prominence, would harm the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Whilst not decisive, the proposal would conflict with Policy ENV6 of the Cheshire West and Chester Local Plan (Part 1) (LP1) which promotes high quality design, and Policy DM17 of the Cheshire West and Chester Local Plan (Part 2) (LP2), which seeks to control advertisements in the context of amenity. It would also conflict with the

² Appeal Ref: APP/A0665/Z/17/3179368

Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

12. The proposed advertisement would be visible to drivers and other road users negotiating the adjacent three-way roundabout linking the A5018 and Wharton Road, where there are multiple lanes and pedestrian crossings. I agree with the previous Inspector's comments that the junction does not present particular traffic hazards and has good visibility on the approaches to it. However, the roundabout and connecting roads include several features that drivers and cyclists must already concentrate on including speed limit changes, directional signage and pedestrians using the crossing points. During my visit at around mid-morning on a weekday, I observed a steady flow of traffic negotiating the junction and connecting roads as well as a small number of pedestrians using the pedestrian crossings. Whilst only a snapshot in time, this indicates that the junction is well used.
13. The PPG states that all advertisements are intended to attract attention but those located at points where drivers need to take more care are more likely to affect public safety. Such locations include junctions, roundabouts and pedestrian crossings. It further advises that the main types of advertisement which may cause danger to road users are those which are illuminated, which could be mistaken for, or confused with, traffic lights and those which are subject to frequent changes of display.
14. The elevated position of the existing sign and its proximity to the junction means that it is a potential distraction to drivers and others negotiating the roundabout and changing lanes. However, the vividness of the proposed display and changing imagery, albeit at controlled intervals, would increase the visual prominence of the display and draw the eyes of drivers and cyclists, where greater concentration on the road is necessary.
15. Although the maximum brightness of the advertisement would be within the guidelines of the Institute of Lighting Professionals Technical Note 5, the regular change of advertisements over approximately every ten seconds would have the potential to attract the attention of drivers at a point close to the road junctions and the pedestrian crossings, potentially distracting their attention from other vehicles entering, slowing down or stopping to enter the junction and connecting roads.
16. This would be exacerbated by the proximity of the appeal proposal to the existing digital display to the side of No 73. In combination, the two advertisements would have the potential to distract a driver and other road users and reduce the time to assess potential risks. The proposal would therefore present an unacceptable risk to highway and pedestrian safety.
17. A restriction on the maximum luminance of the advertisement to 5,000cd/m² during the daytime and 300cd/m² at night means that the proposal would still be a striking feature with the potential to distract the attention of road users and would not sufficiently mitigate the harm I have identified.
18. For these reasons I conclude that the proposal would be harmful to public safety. Policy ENV6 of the LP1, Policy DM17 of the LP2 and the Framework seek to ensure, amongst other things, that proposals do not have an unacceptable

impact on public safety and promote safe, secure environments and access routes. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and guidance.

Other Matters

19. While the proposal would be likely to require less maintenance than the existing paper and paste display and thereby potentially reduce disturbance to neighbouring occupants, this benefit would not outweigh the harm I have identified above to amenity and public safety.
20. Concerns have been raised by the appellant about the Council's handling of the application due to reference in the decision notice and delegated report to the proposal being unacceptable in principle. However, this is a procedural issue which does not concern the planning merits of the case.

Conclusion

21. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the interests of amenity and public safety. Accordingly, the appeal should be dismissed.

M Offerenshaw

INSPECTOR