



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: 26.04.2024

Appeal Ref: APP/Y3425/Z/23/3330131

8 Wolverhampton Road, Stafford ST17 4BN

- 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 James Dean of R J Young Properties (Stafford) Limited against the decision of Stafford Borough Council.
 - The application Ref is 23/37153/ADV.
 - The advertisement proposed is wall-mounted internally illuminated LED display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the Regulations¹, and the Planning Practice Guidance (PPG), I have considered solely matters of amenity and public safety, taking account of any material factors. While I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my determination of this appeal.
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, with particular regard to whether it would preserve or enhance the character or appearance of the Forebridge Conservation Area; and the effect of the proposal upon public safety.

Reasons

Amenity

5. The appeal site relates to 8 Wolverhampton Road, a three storey property with a shop at ground floor level, which is situated at the end of a short row of commercial premises. The appeal building fronts Wolverhampton Road while the side elevation faces towards the Queensway Island junction.
6. The area surrounding the appeal site is of mixed character which includes traditional ground floor shops, a retail park and other commercial premises,

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

together with some residential properties, such as those at Drakeford Court to the south. There are a variety of commercial advertisements within the area, including fascia signs above shop fronts, a large billboard to the north, and the signage within the nearby retail park, as well as items of street furniture, such as street lighting and traffic lights.

7. The Council says that the appeal site is within the Forebridge Conservation Area (CA). This has been disputed by the appellant. However, the evidence before me clearly indicates that the CA boundaries were extended in 2013 as part of the Forebridge Conservation Area Appraisal (CAA) that was adopted by the Council and the map provided shows that the appeal site now lies within the extended part of the CA. Therefore, I have considered the appeal on the basis that the site is within the CA. In assessing the appeal, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The CA derives its significance from the variety of older buildings situated on historic thoroughfares with their origins in the medieval street layout. The site is within the 'Wolverhampton Road Character Area'. The CAA sets out that buildings in this area are two to three storeys and constructed in red brick. While the appeal building is a more modern structure, its scale reflects surrounding built form, including the two and three storey shops on the western side of Wolverhampton Road. The latter contribute positively to the character and appearance of the CA in terms of their prominence within the street scene, traditional shop front detailing and materials.
9. The proposed advertisement would be an internally illuminated LED display. It would change displays at no less than every ten seconds and those transitions would be instantaneous. The advertisement would be used by the tenants of the appeal property and other local businesses.
10. The position of the advertisement on the side of the building at first floor level above the existing shop window and fascia sign means that it would be highly visible from the road junction to the south and in views along Wolverhampton Road. The size of the proposal is not significant when compared to other advertisements in the wider area, such as those on the retail park and the nearby billboard. It would not be unduly large in relation to the gable end of the building. However, due to its elevated position and the method of illumination, the sign would be unduly prominent, particularly viewed from the south, resulting in a discordant feature in the street scene.
11. I am mindful that the maximum brightness of the advertisement would be within the guidelines from the Institute of Lighting Professionals with an inbuilt ambient light sensor to adjust the luminance levels, and it would be switched off at night. I also accept that the nearby street lighting columns indicate that the area is well lit at night. Nevertheless, the use of the proposed internal illumination with images changing at regular intervals would not reflect the character of this part of Wolverhampton Road, which is characterised predominantly by historic shop fronts with traditionally designed fascia signs. The proposal would be viewed in the context of these more traditional buildings. Whilst there are a variety of advertisements in the area, during my site visit I did not observe any comparable digital advertisements within the

CA. Consequently, the proposal would be unsympathetic to the character and setting of the CA.

12. Reference has been made to existing digital displays in the local area and elsewhere in the country. However, I am not aware of the precise circumstances which led to the approval of these other advertisements and the details provided indicate that they have materially different surroundings. The display at 139 Newport Road is located close to a Grade II listed building and faces towards the CA boundary, but it is not within the CA and has a different surrounding context to the appeal site. Those within the nearby retail park also appear to be outside the CA boundary. Therefore, on the basis of the evidence before me, I am not satisfied that the other advertisements referred to are directly comparable to the appeal proposal, which I have considered on its own merits based on the site specific context. Although digital displays will be appropriate in some cases, in this particular case I find that the proposal would be incongruous and harmful to amenity.
13. Concerns have been raised by the Council around the effect of the proposed LED display on the amenity of neighbouring properties at Drakeford Court, particularly at night. There is however a substantial distance between these properties and the site and the trees in between would partially screen the proposal. Had I been minded to allow the appeal, suitable conditions could have been imposed, including a restriction on the brightness of the LED display and the hours during which it operates, to protect the neighbours' amenity.
14. Nevertheless, I conclude that the proposal would harm the visual amenity of the area, and it would fail to preserve or enhance the character or appearance of the CA. Whilst not decisive, the proposal would conflict with Policies N1 and N9 of The Plan for Stafford Borough (PSB) insofar as these seek to ensure, amongst other things, that proposals are of a high quality design that takes into account local character and sustains and enhances heritage assets. It would also conflict with the Framework, which seek to achieve similar aims.

Public safety

15. 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.
16. Queensway Island is a busy signalised junction. The junction and connecting roads have several traffic control features in the form of traffic lights, pedestrian crossings and directional signage that drivers, cyclists and pedestrians must already concentrate on.
17. The proposed advertisement would face towards the junction and be in the eye line of drivers, particularly those travelling north on Wolverhampton Road. The proposal would not obscure the traffic signals, but for those travelling north it would be seen broadly behind the signals and potentially divert attention away from them. Therefore, the siting of the proposal and the use of internal illumination would result in an eye catching feature that would be a potential distraction to drivers and others. The regular change of adverts over

approximately every 10 seconds, even if this takes place instantly, would have the potential to distract drivers at a point close to the traffic light signals and the pedestrian crossings, where greater concentration on the road is necessary, thus presenting a risk to highway and pedestrian safety.

18. The appellant has provided information from the local accident record for the five year period 2017-2021 drawing on data from Crashmap and the Department for Transport. The appellant states that the data reveals no recorded incidents on the approach to the appeal site. However, the data appears to indicate five incidents within proximity of the site. To my mind, the evidence provided does not demonstrate that the highway network in the vicinity of the site is free of incident and it does not provide justification for an advertisement which would be likely to cause distraction for drivers and other road users and may increase the number of incidents.
19. On the basis of the details provided, I cannot be sure that the other examples of digital advertisements offer a direct comparison to the appeal proposal. The advertisement at 139 Newport Road is not located at a busy signalised junction. Consequently, these do not justify the appeal proposal.
20. I have considered the appellant's suggested conditions which would include controls over the brightness and frequency of change between adverts. However, due to the proposal's location and method of illumination, such conditions would not sufficiently mitigate the harm to public safety. Switching off the illumination between 23:00 and 07:00 means that the proposal would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
21. For the above reasons, I conclude that the proposed advertisement would be detrimental to public safety. Policy T2 of the PSB and paragraph 115 of the Framework seek to ensure that proposals do not have an unacceptable impact on highway safety. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and guidance.

Conclusion

22. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the interests of public safety and amenity, and would not preserve or enhance the character or appearance of the CA. Accordingly, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR