
Appeal Decision

Site visit made on 16 May 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2024

Appeal Ref: APP/J4423/Z/23/3335958

Advertising Right Adjacent Park House, Bernard Road, Sheffield, South Yorkshire S2 5BQ

- 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 Bernard Hides Caldbeck Interiors Ltd against the decision of Sheffield City Council.
- The application Ref is 23/03004/ADV.
- The advertisement proposed is described as 'the site currently accommodates an existing backlit double-sided landscape digital 48 sheet display to the west of the 90 metre frontage to the A57 Sheffield Parkway. There is also deemed consent for another backlit double-sided 48 sheet hoarding towards the eastern end of the same frontage. Thus, this is a site with a historic and evidenced ability to display illuminated changing images.

We propose removing and replacing the aforementioned advertisements with a single portrait backlit double-sided digital Mega 6 style board to occupy a central location on the 90 metre frontage to the A57 Parkway.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council has referred to 'Saved' Policy BE13 of the Sheffield City Council Unitary Development Plan 1998 (UDP) which seeks to ensure advertisement proposals do not harm the character and appearance of the area and the National Planning Policy Framework (the Framework). The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. As such, the planning policies cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.
4. Following submission of the appeal, a revised Framework was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at

appeal, and it is not necessary to seek further comments. I have referred to updated paragraph numbers in the Framework.

Main Issues

5. The main issue is the effect of the proposed advertisement on amenity.

Reasons

6. The advert would be sited on the frontage of a car park of a business premises on Sheffield Parkway. There are traditional brick and more modern buildings at the back edge of the car park. Long distant views towards the site include these buildings, and to the east there is established vegetation, highway bridges and multi-storey buildings towards the junction with the A61. Land on the opposing side of the road is higher and thus buildings, including large, flatted complexes, tower over the Sheffield Parkway. However, the existing car park, within which the development would be sited is an expansive and exposed unvegetated area, and other than parked vehicles largely void of development.
7. I note the paragraphs referred to by the appellant from the Planning Practice Guide, which might mean adverts would be more likely to be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site. However, the preceding text suggests consideration of whether such proposals would also be in scale and keeping with local characteristics.
8. The existing digital sheet display is located close to the site boundary and existing vegetation. It is angled away from the nearside traffic lane travelling east and does not dominate the area or appear excessive in relation to the buildings at the rear. In contrast the proposed advert would be sited more centrally within the site and away from the side site boundaries. It would occupy an exposed position, not close to buildings or vegetation or any rising land-form and would be angled towards the direction of traffic in both directions, particularly increasing its prominence when travelling east.
9. In the absence of immediate mitigation, the proposed development would appear particularly tall, dominant and excessive against the more modestly scaled building it is sited in front of. Given its more central and isolated position, the scale of the development, its form and proximity to the road would result in the development having a significant influence on the area.
10. I have not been provided with any appeal decisions¹ from the Council or the appellant, however I note that a previous Inspector allowed the digital sheet display to the west in 2006. Whilst the Inspector noted the commercial area of large open spaces and the tramway in the distance, the development was also seen against the 'ramshackle buildings occupying the former goods yard'. Noting the appellants have upgraded the site this is clearly not the case in 2024. In any event the position of that development is not as central or high as the one before me. Whilst the site is next to a highway, to my mind, this area is not particularly dynamic or densely developed industrial or city area.

¹ Associated with Council Planning Application Reference 05/03013/HOARD

11. Rather than being harmful to a particular feature, the dominance and incongruity created by the scale and exposed siting results in harm to the amenity of the area as a whole. This includes the road, undoubtedly experienced by many who use it as well as the occupiers of nearby buildings.
12. It is put to me that the wider site benefits from deemed consent for another advertisement, allowed at appeal in 2006. It is also argued that the proposal would result in the removal of the digital sheet display to the west. Alongside the rescinding of the advert with deemed planning consent, it is contended that the removal of the digital sheet display to the west would result in a consolidation and therefore reduction of displayed advertisements in the immediate area.
13. However, I have not been provided with plans of the advert with deemed consent, nor the decision notice. The appellant has suggested it was installed between 2006 and 2012. I cannot be certain whether any conditions were imposed which required its removal. Nor can I be certain that the development could still be implemented on the resurfaced parking area. Therefore, based on the information provided, comprising a site plan and photograph, limited evidence is before me to fully demonstrate the fall-back position as described by the appellant in relation to the advert with deemed consent. The existing digital sheet display that I observed would also have a smaller area of advertising than the proposed display. Thus, I attach limited weight to these aspects and the reduction and consolidation of advertisements.
14. I note the conditions suggested by the appellant to control and regulate the brightness levels of the displays. However, no condition or planning obligation has been put forward in relation to the timing of the removal of the existing digital sheet display. I am not convinced that it would be reasonable to impose a condition that sought to require that this be formally given up from such use, potentially before any other development was erected. It is not clear if the advert is owned by the appellant or rented to another person or business.
15. I therefore conclude that the proposal would be harmful to amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. The proposal would be in conflict with Policy BE13 of the UDP which seeks to ensure advertisements are well designed and screened with landscape features and relate in scale and design to their surroundings.

Other Matters

16. The advertisement at Park Square Roundabout, Sheffield Road and Weedon Street are not dissimilar in size. However, I find that these are located closer to a backdrop and vegetation, which contrasts with the wide open expanse of the car park at the appeal site. Consequently, the visual effect of the advertisement is not fully comparable.
17. Although appellant contends that the Council is being inconsistent, in all cases the proposals would have required site specific judgements to be made, and nor I do not have all the evidence before me regarding these sites or if there were previous advertisements in those locations. In any event, I am required to reach conclusions based on the individual circumstances of this appeal. The existence of these does not justify further harm and I am not bound by other decisions or discussion made by the Council.

18. The Council and the appellant has not referred me to the specific location and address of any nearby listed buildings or provided any listing description. However, the appellant has stated that the extra income generated would allow refurbishment of a nearby listed building into six short stay serviced apartments and other development which already has planning permission. However, without details of these buildings, the works required or how the revenue from advertisement would contribute to that benefit, I can not attach weight to these aspects.

Conclusion

19. For the reasons set out above, the proposed advertisement would be harmful to amenity. There are no other considerations of sufficient weight, to outweigh the harm in this respect. I therefore conclude the appeal should be dismissed and advertisement consent refused.

K Williams

INSPECTOR

