



Appeal Decision

Site visit made on 23 July 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/J4423/Z/24/3342280

Upwell Street, Sheffield S4 8AJ

- 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 Group Limited against the decision of Sheffield City Council.
 - The application Ref 23/03703/ADV, dated 15 November 2023, was refused by notice dated 19 February 2024.
 - The advertisement proposed is replacement of four freestanding externally illuminated 48-sheet displays with two digital displays.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, with the Framework adding that cumulative impacts can be taken into account.

Main Issues

3. The main issues in this appeal are the effect of the proposed advertisement display on amenity of the area and its impact upon public safety.

Reasons

Amenity

4. The appeal site is located adjacent to a busy main road close to Sheffield City Centre. Four existing poster advertisements are in-situ, which the Council has no record of any previous applications for. The proposal would replace those advertisements with two new digital "48 sheet" advertisements, which are the standard 6m x 3m screen size.
5. The proposed digital displays would emit light continuously during operational hours to create an image. While I acknowledge that the luminance of the proposed advertisements can be controlled by a condition which would reduce its impact particularly during the hours of darkness, greater illumination would be required during the day in order to ensure that the image produced could be seen.

6. I accept of course that advertisements are, by their nature, designed and intended to be seen. However, the bright appearance of the proposed digital screens would, in my view, make it a more prominent part of the street scene, and much more visually intrusive than the hoardings previously located on site. This would be particularly apparent in low light conditions such as during overcast days or at dawn and dusk. The continuous illumination would also emphasise the large scale of the display; as a consequence, it would dominate and overwhelm the immediate locality, and harm the amenity of the area, especially for the residents of the properties near to the appeal site. Even if a curfew operated to shut off the advertisements in the early hours, it would still have an effect on those residents when lit on an evening, especially in the autumn and winter months when the nights draw in.
7. Although the proposed digital units would be approximately the same size as the previous hoarding, the illumination arising from the digital display would make it a much more prominent feature in the street scene. On this basis I do not consider that it can be considered to be a "like-for-like" replacement for the existing advertisements. There would be particular harm which would not have arisen from the previous installation.
8. As stated above, I note previous adverts have been placed adjacent the site, digital advertising displays are prominent, modern advertisements that would be located at this site would be more visually prominent than the previous paper and paste advertisement.
9. The digital advertising display would form a rather intrusive and incongruous feature within this particular location and would jar with the visual setting of the locality. The proposal would cause significant harm to the visual amenity of the area, dominating the locality and surroundings.
10. I have had regard to the benefits of digital advertising which includes a reduction in vehicle trips to service sites, a reduction in waste from the production of posters, the ability to broadcast emergency messages, and to use the displays during "void periods" for public messaging or public art. However, while I acknowledge these potential benefits, I do not consider that they outweigh the harm which I have found.
11. As such, whilst it is not determinative, I find conflict with policy BE13 of the Sheffield Unitary Development Plan (1998) which, amongst other matters, expects advertising developments not to harm the character or appearance of the area.
12. I have also taken into account paragraph 141 of the National Planning Policy Framework which explains that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. For the reasons given above, I conclude that the proposed development would have a detrimental effect on the visual amenity of the area and as such, the proposal conflicts with paragraph 141 of the Framework.

Public Safety

13. The advertisements would be placed at an angle with the highway such that it would be at a slightly oblique angle for road users.
14. As stated previously, the proposed advertisements would be placed within an area that already has a commercial character and appearance and where

advertisements are commonplace. The site currently supports four poster-type advertisements which are clearly visible to users of the highway.

15. The approach to the appeal site is relatively straight from both sides of the highway, and the layout in that area is uncomplicated and vehicle users do not have excessive amounts of to concentrate vigorously on, such as cornering or significant traffic lights.
16. Within this context, I do not consider that the advertisements would offer a significant distraction to users of the highway. In addition to the this, there would be a safe distance from the advertisements to any traffic signals.
17. The advertisement would not therefore have any significant adverse impact on public safety. However this does not overcome the harms to amenity that I have identified.

Other Matters

18. I have noted the comments of the appellant with regard to the location of existing nearby advertisements and the general modern proliferation of digital advertisements in built-up areas. However, the previous approval of advertisements, some poorly located, does not automatically lead to a presumption of approval of such schemes.

Conclusion

19. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
20. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR