



Appeal Decision

Site visit made on 26 July 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/H4315/Z/24/3343063

177A Duke Street, St. Helens WA10 2JH

- 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 Paul Hardy (V2 LED Ltd) against the decision of St Helens Council.
 - The application is Ref P/2023/0648/ADC.
 - The advertisement proposed is for the erection and display of a wall mounted LED display of 1.92 by 2.8 metres.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The local planning authority (LPA) has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed advertisement upon (i) visual amenity and (ii) public safety.

Reasons

Amenity

4. The proposed digital display would be of a moderate size, measuring approximately 1.92 metres by 2.8 metres. It would display static images and, according to the appellant, would be capable of changing new advertisements every ten seconds. There would be no moving images, animation, intermittent or full motion images, and it would have a luminosity level of 300cd/m² at night.
5. The advertisement display would be located at a traffic-controlled junction in an area of mixed uses including commercial premises of various sizes and also a considerable number of terraced dwellings and apartments. On my site visit I

was able to note that there are apartments in a two storey building at the junction of Dentons Green Lane and Boundary Road where some have windows facing the proposed display through which occupants, while not facing the proposed display directly, would have a significant view of it. I consider that the changing coloured images would have a significant adverse impact upon their visual amenity.

6. The building at the junction of Duke Street and Cowley Hall Lane is a two storey commercial property. Windows, especially upper windows, would be affected by the digital display in the same way, and while the building is not occupied for residential purposes, I consider that the visual display, being close to the windows albeit again mainly on an oblique angle, would be adversely distracting to their occupants, to the detriment of their visual amenity.
7. On my site visit, I was also able to note various existing advertisements in the immediate area, though these are, in the main, advertising the companies concerned and the services which they offer as opposed to general advertising. Most are fascia height signs, though I accept that there are some exceptions.
8. The proposed advertising display is relatively limited in size and scale, and it would be positioned on the building where it would be compatible with the pattern of windows and doors to the property, both at ground floor and first floor levels.
9. However, the proposed display, by its luminosity and frequent changes, would introduce a garish, multi-coloured, constantly changing element into the street scene, thereby representing an incongruous addition to the detriment of the visual amenity of the area. I accept that other lighting, such as streetlights, is likely to have a greater effect in terms of illumination than the proposed display, but this would not overcome the detrimental visual effects including the changing coloured images which I identified.
10. The appellant has referred to several other displays which have been allowed on appeal and has included their decision letters by way of comparisons with the current appeal proposal, even though several are in other LPA areas. However, circumstances are always likely to vary from one proposal to another. The quoted examples differ in that some relate to displays on side gables, while others will have a different mix of land uses, or where there may not be windows to residential properties facing them.
11. Reference is made to larger digital displays approved by the LPA in the area. On my site visit I was able to observe the display on the gable to No.35 Dentons Green Lane, though it is not comparable to the appeal proposal as it is not located at a similar highway intersection. In any event, I have determined the appeal on its individual merits.
12. The appellant has suggested that any adverse effects in terms of amenity could be overcome by a condition restricting the hours of illumination between 23:00 hours and 07:00 hours, given the appellant's acknowledgement of the presence of residential properties in the area. However, while such a condition would limit the visual harm to amenity, I do not consider that it would be sufficient to prevent unacceptable harm, especially to those occupants of the apartments who would face it and would see it at all other times. Indeed,

owing to the close proximity of the proposed advertisement to residential properties, I find that the changing images would be an unreasonable amenity distraction to residents and the extent of illumination/image changes would still be noticeable outside of the proposed restricted hours, particularly in the winter months when the days are shorter and hence the outside environment is darker for longer.

13. Therefore, I conclude that the proposed development would have an adverse impact upon the amenity of the area, contrary to policy LPD06 of the St. Helens Borough Local Plan up to 2037 (LP) which seeks to improve the visual appearance of gateway corridors which cross the Borough, and contrary to policy LPD08 which requires advertisements to be sympathetic to their surroundings. It would also be contrary to paragraph 141 of the National Planning Policy Framework 2023 (the Framework) which notes that the quality and character of places can suffer when advertisements are poorly sited.

Public Safety

14. The display would be close to a signal controlled highway junction and where pedestrians cross. Planning Practice Guidance, as quoted by the appellant, advises that where advertisements are more likely to affect public safety, such as at traffic-controlled junctions, such proposals will require more careful consideration.
15. In so doing, I have taken account of the various issues put forward in favour of the proposal including, amongst others mentioned, the alleged research findings which show no correlation between the siting of advertisements and traffic accidents, that drivers approaching the junction have ample time to assess and to react to the situation ahead, the speed limit, light level controls, the absence of moving images on the display, the location of the display in relation to the traffic lights, the generally safe nature of the junction as it currently exists, and other examples of junctions where displays have been approved. These are matters which count in favour of the proposal.
16. However, on my site visit I was able to see, although only as a snapshot in time, that the junction is heavily used and with the added complexity of pedestrians crossing sometimes two lines of traffic. While some drivers would be able to see the display without turning their heads away from the road in front of them, others would not be able to do so. For them, the illuminated display and the changing images, even if it was only once while at the junction, would add a distraction to the complexity of manoeuvring through the junction and could give rise to unacceptable conflicts between pedestrians and vehicles. Despite my giving weight to the arguments in favour of the proposal as outlined above, I consider that overall, the proposed display would have an unacceptably adverse effect upon highway safety.
17. Therefore, I conclude that the proposed advertisement display would not accord with LP policy LPD08 which requires that proposed advertisements '*must not compromise the safety of pedestrians, drivers or other users of the public highway, for example by hindering their movement, obscuring visibility or by causing a distraction*'. It would also fail to conform with chapter 9 of the Framework which, amongst other things, aims to create places that are safe,

secure and attractive and which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR