

Appeal Decision

Site visit made on 20 August 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/G4240/Z/24/3345948

Land Adjacent to 335 Stockport Road, Denton, Tameside M34 6AZ

- 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 Warren Milroy of Vivid Outdoor Media Solutions (C) Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00306/ADV.
 - The advertisement proposed is erection and display of a single freestanding 3 x 6 metre LED display unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG). Therefore, while I have taken into account the policies that the Council consider relevant, they have not been decisive in my determination of the appeal.

Main Issues

3. The main issues are the effects of the proposed advertisement on amenity and public safety.

Reasons

Amenity

4. The appeal site is to the rear of the car park associated with the former Masons Arms public house. The car park is in a prominent corner location at the junction of Tib Street and Stockport Road, close to the wide, controlled junction of Stockport Road and Two Trees Lane. The former public house is in commercial use and there are scattered commercial uses elsewhere along Stockport Road. However, it is an urban and predominantly residential area characterised by semi-detached and terraced dwellings. The vacant land on Tib Street to the rear of the car park is vegetated which, together with the mature trees on the boundary, creates a verdant backdrop to the appeal site.

5. The display screen would be roughly 3m by 6m, set in a metal frame around 3.4m high by 6.4m wide. The display would be elevated above the ground on steel legs about 2.7m tall which would be screened by a timber fencing plinth some 6m wide. The advertisement would be sited close to the Tib Street footway, with the display angled slightly towards the signalised junction and its blank metal rear elevated above the low boundary wall.
6. The advertisement would be markedly large and its free-standing siting and elevation above the ground would serve to emphasize its scale and bulk. It would be disproportionate and out of scale with the modest properties on Tib Street and Stockport Road. It would tower above the low boundary wall to the car park and, by virtue of proximity to Tib Street, it would be a dominant and overbearing presence to the footway and passing traffic. The substantially large and contemporary structure would be discordant and in stark contrast against the verdant backdrop of the nearby tree canopies.
7. The black and white artist's impression illustrates that the advertisement would dominate the street scene. Taking into account that it would display sequential illuminated images, in reality it would be even more visually obtrusive than the submitted plans and illustrations suggest. While it could be used to advertise local businesses, the overly large digital display would be poorly related to nearby commercial premises. Notwithstanding that the level of illuminance would be controlled by ambient light sensors and the display would be turned off overnight between 2300 and 0600, it would be out of keeping with the traditional and unassuming surrounding townscape. It would not make a positive contribution to local distinctiveness or sense of place.
8. There are road signs and some commercial advertising in the area, including ground floor and fascia signage and a somewhat narrow billboard affixed to the side elevation of a 2-storey terraced property on Stockport Road. None of these is directly comparable to the proposal in terms of size, scale, siting, materials or illuminated LED display. The proposal would not be assimilated into the townscape by more modest signage elsewhere.
9. The display would be roughly perpendicular to Tib Street but angled slightly away from it towards the Stockport Road and Two Trees Lane junction. While there are residential properties on the far side of Stockport Road, these are set away from the road and at an angle to the proposal. Consequently, the display would not be directly facing or in close proximity to habitable room windows or residential private outdoor space. Nearby residential occupiers would be aware of the illuminated changing display. However, with switch off between 2300 and 0600 and controls on the level of illuminance during the hours of darkness, I find that the advertisement would not be significantly detrimental to the residential amenity of nearby occupiers.
10. Therefore, I conclude that the proposed advertisement would not harm residential amenity but it would harm visual amenity. Accordingly, and although not determinative, as I have found harm, the proposal would conflict with Policy JP-P1 of the Places for Everyone Joint Development Plan Document 2022 to 2039 Adopted March 2024 (the PfE) and Policy C1 of the Tameside Unitary Development Plan adopted November 2004 (the UDP). These require, among other things, that proposals are consistent with and respect the

character and identity of the area, including the townscape and surrounding fabric. It would also conflict with the design aims of the Framework.

Public safety

11. The advertisement would overlook the wide signalised junction of Stockport Road and Two Trees Lane. By virtue of its orientation, the display would not be prominent to traffic travelling south on Stockport Road or north on Two Trees Lane. However, the illuminated display would be conspicuous to the 2 lanes of traffic approaching the busy junction from Stockport Road to the south and to traffic turning left from Smith Street.
12. Irrespective that motorists would have long views of the advertisement on the approach along Stockport Road, at close range it would distract driver attention. While the junction may be well laid out and controlled by traffic lights, its navigation still requires a high degree of concentration due to traffic changing lanes and turning in and out of Smith Street and the commercial premises on the opposite side of the road. Drivers also need to be vigilant not only to pedestrians using the signalised crossings but to those choosing to cross the road at other points.
13. The substantially large display would be in the eyeline of road users on the northbound carriageway. The large illuminated changing imagery would distract the attention of road users approaching the junction and also those waiting at the traffic lights. Moreover, it would be seen in close juxtaposition with the traffic lights, most particularly the primary signal head to the front of the appeal site.
14. Urban roadside advertising is commonplace and it does not necessarily present a hazard, when appropriately sited, to road users exercising a reasonable standard of driver care. Nevertheless, the PPG is clear that inappropriately sized and sited advertisements can cause danger to road users, including at junctions, where they would obstruct or confuse a road user's view or reduce the clarity or effectiveness of traffic signs or signals.
15. In this case, given the scale and nature of the proposed advertisement and the road junction, the proposal would distract road users at a point where they need to take more care and be vigilant to vehicles and cyclists turning in and out and changing lanes and pedestrian crossing. The distraction and reduced effectiveness of traffic signals arising from the advertisement would not minimise the scope for conflict between road users and it would be detrimental to the safe operation of the highway.
16. Therefore, I conclude that the proposed advertisement would harm public safety. Although not determinative, as I have found harm in this regard, it would conflict with the highway and road user safety aims of UDP Policy T1 and the Framework.

Other Matters

17. While advertising may benefit the local economy and support local shops and services, there is little evidence that the proposal would be used by local businesses or that there would be any significant local economic benefit. I accept that there are benefits in replacing traditional paper billboards with contemporary digital displays. However, the proposal would not replace an

existing advertisement and there is little evidence that any paper billboards would be removed in the wider area if the appeal was allowed.

Conclusion

18. For the reasons set out above, I conclude that the proposed advertisement would harm amenity and it would harm public safety.
19. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR