



Appeal Decision

Site visit made on 12 September 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal A Ref: APP/J4423/Z/24/3345899

Bus shelter outside 87-89 Wicker, Sheffield S3 8HS

- 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 Kevin Oldland of Alight Media Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/01025/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Appeal B Ref: APP/J4423/Z/24/3345949

Bus shelter in front of 95-97 Wicker, Sheffield S3 8HT

- 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 Kevin Oldland of Alight Media Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/01030/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. For Appeal A, the address on the application form cited '85-89 Wicker'. I have instead used '87-89 Wicker' as on the decision notice and the appeal form, as this provides more clarity.
4. These appeals concern 2 proximate bus shelters. I have dealt with each appeal on its own individual merits, although to avoid duplication I have primarily dealt with aspects together in my reasoning. Both appeals had the same reason for refusal.
5. A further advertising panel appeal is also before me for a bus shelter outside 55-59 Wicker¹, to the north of the appeal site beyond the intersection. I have also determined that site on its own merits.

¹ Reference APP/J4423/Z/24/3345858

Main Issue

6. The main issue for both appeals is the effect of the proposed advertisement on the visual amenity of the area, with particular regard to the setting of the adjacent listed buildings.

Reasons

7. The Wicker is a wide and highly trafficked street, designated as a Central Shopping Area in the Sheffield Unitary Development Plan (UDP). It has a commercial and retail character, including shopfronts with signage, and a mix of architectural styles. The 2 appeal sites comprise simple, clear glazed panelled bus shelter structures within the same short stretch of pavement. They do not incorporate any existing advertisements as part of the bus shelter structures.
8. The proposal for each is the display of a 6 sheet sized advertising panel within one end of a replacement bus shelter. The shelters themselves could be erected through permitted development rights. For the avoidance of doubt, my determination is based only on the effect of the advertising panel.
9. The 2 sites are proximate to listed buildings on three sides. The statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, but the Advertising Regulations identify that factors relevant to amenity include the presence of any feature of historic or architectural interest. The listed buildings clearly play a key positive contribution to the visual character and amenity of the area, and have significance in that respect.
10. The Grade II* Sheffield Wicker Arch is an 1848 railway viaduct, and forms the road's focal point as an outstanding example of monumental early railway architecture. It comprises a grand elliptical central arch, flanked by single arched footways under stonework decoration. The viaduct either side includes a series of large arches, now predominantly infilled and containing commercial units. The south eastern extent also formerly carried Victoria Station, entered through the attached 2-storey building diagonally opposite the appeal sites. this contains commercial ground floor frontages.
11. Two mid-1890s former banks of Grade II historic significance also face onto Wicker, with the appeal sites lying within their settings. No. 85-93 is directly behind the Appeal A shelter, and so is a short distance south-west of Appeal B. No. 122-126 Wicker lies on the opposite side of the carriageway. These are relatively ornate and imposing buildings, comprising red brick and ashlar dressing, with modern shopfronts at ground floor.
12. The advertisements would represent overtly modern and commercial additions to the predominantly traditional character of the immediate streetscape. By virtue of their size and close positioning, they would visually compete with the listed buildings and attract undue prominence, even with the street level backdrop of other commercial activity. Looking northwards they would also partially block views of the Wicker Arch at medium and short range, and looking southwards they would be juxtaposed under it.
13. This impact would not be sufficiently mitigated by their incorporation as a feature of the bus shelters, the existing street furniture and trees in between them and the listed buildings, or the comparative size of those buildings. The public realm and street furniture is of good quality, plus wide well-paved

footways and tall trees. The advertisements would create additional bulky massing within this streetscene. Harm would thus be caused to the setting of the surrounding listed buildings.

14. This overall prominence would be further heightened due to the advertisements' illumination and changing images, particularly during hours of low natural light or darkness. This could not be sufficiently mitigated by the suggested conditions, which include restrictions on the display and transition of images, and on illumination levels. This is despite end of bus shelter advertising being generally commonplace over the past few decades, and with LCD digital panels being increasingly so as the most up to date technology.
15. Overall, the proposed advertising panels would have a harmful effect on the visual amenity of the area, both individually and cumulatively. In accordance with the Advertisement Regulations, I have taken into account the provisions of the development plan so far as they are relevant to visual amenity. Policy BE13 of the UDP requires advertisements to not harm the character or appearance of the area, and to relate in scale and design to their surroundings. Policy BE19 expects development proposals which affect the setting of listed buildings, to preserve the character and appearance of the building and its setting.
16. Paragraph 135 of the National Planning Policy Framework ('the Framework') (2023) requires developments to add to the overall quality of the area, and be sympathetic to local character including the surrounding built environment and landscape setting. Paragraph 141 identifies that the quality and character of places can suffer when advertisements are poorly sited and designed.
17. Paragraph 201 of the Framework further requires the particular significance of any heritage asset that may be affected by a proposal, to be taken into account when considering that proposal's impact, to avoid or minimise any conflict with the heritage asset's conservation. Of note, the determination of harm against public benefits identified in paragraphs 205 to 208 is not relevant, as the proposal would not be a consent under the remit of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, given that I have concluded that the proposals would harm visual amenity and the setting of listed buildings, they conflict with the UDP Policies BE13 and BE19, and with the Framework paragraphs 135, 141, and 201.

Other Matters

18. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
19. The appellant refers to a digital advertisement display screen adjacent to a Grade II listed building further south at 34-42 Wicker². The related officer reports for that site describe a very similar general location of an active commercial environment, with retail shops as the ground floor street frontage. However, my assessment is made on the specific context of the sites and proposals before me. Appeals A and B involve specific relationships with 3 listed buildings, and would be hosted on a different type of structure. The freestanding unit also involved removal of 2 payphone kiosks, one of which was very close to the Wicker Arch. I therefore do not find that advertisement to lend specific support to the appeal proposals.

² 19/03274/HOARD, 21/02491/HOARD

20. The appellant suggests benefits of improved attractiveness of public transport, bus shelter funding and maintenance at no public cost, business rate income, display of urgent messaging or local event promotion, and better sustainability from reduced vehicle trips and poster use. Outdoor advertising is also stated to be vital to employment and commerce as a commercial activity and a service, and digital advertisements being more in keeping with the image of a major city. A controlled advertising location could also help mitigate flyposting.
21. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety, taking into account the provisions of the development plan in so far as they are material, and any other relevant factors. Alongside the Framework and the Planning Practice Guidance, there is therefore no indication that any of these suggested benefits can be taken into account.

Conclusion

22. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panels would be detrimental to the interests of visual amenity, and therefore both Appeal A and Appeal B are dismissed.

L N Hughes

Inspector