



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 Ref: APP/J4423/Z/24/3345508

Bus shelter at junction of Whitham Road and Newbould Lane, Sheffield S10 2SP

- 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 24/01020/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address stated on the application form is '188 Whitham Road', which is adjacent to a different bus shelter on the opposite side of the carriageway. The address on the decision notice and the appeal form is 'Bus shelter outside 129 Whitham Road', which is some distance northwards and beyond an intervening bus stop. For best clarity, I have therefore instead used 'Bus shelter at junction of Whitham Road and Newbould Lane'.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area, with particular regard to the preservation or enhancement of the character or appearance of the Broomhill Conservation Area.

Reasons

4. The site comprises a simple, clear glazed panelled bus shelter structure, with no existing advertisement within it. The proposal is for the display of a 6 sheet sized advertising panel within one end of a replacement bus shelter. The shelter itself could be erected through permitted development rights. For the avoidance of doubt, my determination is based only on the effect of the advertising panel.
5. The shelter sits in an area of footway of the arterial strategic route of Whitham Road, at the junction with Newbould Lane and Beech Hill Road. The immediate setting has a commercial and retail character, and comprises a Local Shopping Area designated in the Sheffield Unitary Development Plan (UDP). Shops and service businesses form the street level frontages, with associated signage.

6. The site lies within the Broomhill Conservation Area (CA). When dealing with an appeal for an advertisement in a CA, the test from s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area". This statutory duty applies in advertisement appeals in so far as it relates to the consideration of amenity. The Advertising Regulations identify that factors relevant to amenity include the presence of any feature of historic or architectural interest.
7. The significance of the CA derives from the historic and architectural interest of its 19th century buildings, including many listed buildings. These are good examples of terraced houses and middle-class villas in Gothic and Classical style, by many prominent local architects. The CA street network has been almost unaffected since 1890, and includes various period planned developments and cohesive architectural composition. The CA Plan identifies that every building on the stretches surrounding the appeal site is a 'Building of Townscape Merit', along with the majority across the CA.
8. Local stone is prevalent for buildings, boundary treatments, and floorscape, and there is widespread tree coverage. Alongside this built form, changes in topography provide an interesting townscape. Streetscape details collectively and individually help to give Broomhill a distinct identity. As such, it is clear that the traditional streetscape character is a valued element of the CA.
9. In contrast, the advertisement would represent an overtly modern and commercial addition, and would be unduly intrusive and prominent. This would not be sufficiently mitigated by its incorporation as a feature of the bus shelter, as it would create additional bulky massing within the streetscene. Despite the existing commercial street level backdrop, including some illuminated shop facias, this impact would be noticeable from some distance away from a number of directions.
10. This overall prominence would be further heightened due to the advertisement's 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, with the most up to date technology of LCD digital panels being increasingly common.
11. Overall, the proposed advertising panel would thus harm the visual amenity of the area. It would also not preserve or enhance the character and appearance of the CA. 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, to relate in scale and design to their surroundings, and to be outside a Conservation Area. Policy S10, amongst other matters, requires new development in shopping areas to be well designed and of a scale and nature appropriate to the site.
12. 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.

Paragraph 201 further requires the particular significance of heritage assets to be taken into account when considering a proposal's impact, to avoid or minimise any conflict with the heritage asset's conservation. Given that I have concluded that the proposal would harm visual amenity, it would conflict with the UDP Policies BE13 and S10, and with the Framework.

Other Matters

13. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
14. The shelter previously hosted a backlit illuminated double sided advertising panel, consented in 2003 and removed between 2019 and 2020. However, there has now been an unobstructed view through the shelter for approximately 4 years, and the appeal proposal would be more prominent than this previous advertising for the reasons as described above. I therefore do not find this material consideration to be determinative.
15. Benefits are suggested to be improved public transport appeal, 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, with digital advertisements being more in keeping with the image of a major city.
16. However, when determining an advertisement consent appeal within a CA, the question of less than substantial harm in the Framework paragraphs 205 to 208 is not relevant, as this only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990. 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. In any event, I do not find that the suggested benefits would outweigh the harm I have identified above.

Conclusion

17. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panel would be detrimental to the interests of visual amenity, and would not preserve or enhance the character and appearance of the Broomhill CA. The appeal is therefore dismissed.

L N Hughes

Inspector