



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/24/3345858

Bus shelter outside 55-59 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 24/01026/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. Two further advertising panel appeals are also before me for bus shelters outside 87-89 and 95-97 Wicker¹, to the north of the appeal site beyond the intersection. I have determined each on their own merits.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The site comprises a simple, clear glazed panelled bus shelter structure, with no existing advertisement within it. The Wicker is a wide and highly trafficked street, designated as a Central Shopping Area in the Sheffield Unitary Development Plan (UDP). Its character is commercial, including shopfronts with signage, and a mix of architectural styles. The appeal site is to the south-western side of the Wicker and Derek Dooley Way intersection.
5. 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.
6. There are 4 listed buildings along Wicker within the vicinity of the appeal site. 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

¹ Reference APP/J4423/Z/24/3345899 and APP/J4423/Z/24/3345949

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 so have significance in that respect.

7. The closest is the Grade II Sadacca Social Centre at 46 and 48 Wicker. Built in 1853 as a public hall and still in use as a social centre, its ornate ashlar frontage and its height above the surrounding properties, provides prominence and historic significance within the streetscene. Two mid-1890s former banks of Grade II historic significance face onto Wicker to the north of the intersection, at No. 85-93 and No. 122-126. Beyond these, the Grade II* Sheffield Wicker Arch from 1848 forms the road's focal point looking north. It is an outstanding example of monumental early railway architecture, comprising a viaduct with grand arches.
8. The Council considers that given the separation distances of these listed buildings from the appeal site, the proposed advertisement would not have a harmful impact on the significance of their setting. I find similarly, given the distance, road layout, and the relative size of the proposal.
9. However, the advertisement would still attract undue prominence as a commercial addition to the streetscape, even with the street level backdrop of other commercial activity. This comprises a range of types and heights of shop frontages and fascias, but forms a consistent back of pavement line of activity, which would be extended forwards by the proposed advertisement. This would not be sufficiently mitigated by being associated with the replacement bus shelter. The creation of additional bulky massing would intensify the commercial character. This would be at the expense of the good quality public realm, comprising street furniture within relatively wide and well-paved footways, and some street trees.
10. The advertisement's overall prominence would be further heightened due to its illumination and changing images, particularly during hours of low natural light or darkness. It has not been suggested that there are any other competing illuminated fascias adjacent. This prominence 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.
11. Furthermore, the immediate environment is already relatively cluttered with street furniture, particularly traffic signage and traffic lights relating to the numerous pedestrian crossings over the multi-lane adjacent intersection. In this regard, the appellant suggests precedential support from the freestanding digital advertisement display screen directly adjacent to the Sadacca Social Centre². The related officer reports describe its surrounding active commercial environment in similar terms as I describe above.
12. However, the freestanding advertisement is within a different type of host structure, with additional digital functionality. It also involved removal of 2 payphone kiosks from the street clutter, one of which was very close to the Wicker Arch, and which therefore improved its historic setting. I thus do not find that advertisement to lend support in principle to the appeal proposal.

² 19/03274/HOARD, 21/02491/HOARD

Instead, it contributes to the street clutter in this broad location, alongside which the appeal proposal would have a cumulatively harmful effect.

13. Overall, the proposed advertising panel would have a harmful effect on the visual amenity of the area. 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.
14. 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. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with the UDP Policy BE13, and with the Framework.

Other Matters

15. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
16. The appellant suggests benefits of improved public transport attractiveness, business rate income, funding and maintenance of bus shelters directly from the advertising income, display of urgent messaging or promotion of local events, and increased sustainability resulting 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. A controlled advertising location could also help mitigate flyposting.
17. 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

18. 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 therefore the appeal is dismissed.

L N Hughes

Inspector