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## 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**

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**Appeal Ref: APP/J4423/Z/24/3345509**

**Bus shelter outside 188 Abbey Lane, Sheffield S8 0BQ**

- 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 24/01017/HOARD.
  - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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### Decision

1. The appeal is allowed and express consent is granted for the display of the double sided digital 6 sheet advertising panel, at Bus shelter outside 188 Abbey Lane, Sheffield, S8 0BQ, in accordance with the terms of the application, Ref 24/01017/HOARD, dated 21 March 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and the following conditions:
  - 1) The sign shall display static images only, and no individual advertisement display shall at any time contain moving images, animation, intermittent or full motion video images, audio, or any images that resemble road signs or traffic signals.
  - 2) The minimum display time for each advertisement shall be 10 seconds, and the advertisement shall not include any features which would result in sequencing of messages and advertisements relating to the same product.
  - 3) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without visual effects. The display shall include a mechanism to freeze the image in the event of a malfunction.
  - 4) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than that recommended by the Institute of Lighting Professionals 'Professional Lighting Guide (PLG 05) Brightness of Illuminated Advertisements' (or its equivalent in a replacement Guide).

### Preliminary Matters

2. The application form address states 'Shelter 16m From Lab 194 Ltd, 194b, Abbey Lane 6m From Hutcliffe Wood Road.' The decision notice and appeal form state 'Shelter opposite 188 Abbey Lane.' As there is also a bus stop on the opposite side of Abbey Lane to the appeal site, for best clarity of location I have therefore used the address of 'Bus shelter outside 188 Abbey Lane.'

## **Main Issue**

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

## **Reasons**

4. The appeal site hosts a simple, glazed panelled bus shelter structure, which incorporates an internally backlit double sided paper poster display to one end. This dates from a 2003 consent. The proposal is for the display of a 6 sheet sized advertising panel within the same 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. Abbey Lane is a wide strategic road. The appeal shelter lies on its northern side, adjacent to a bus layby and with deep grass verges along this stretch. Dwellings front both sides, incorporating some garden vegetation. The overall character is of a pleasant and open domestic suburban area.
6. The new advertising panel would be slightly wider and with a bulkier design than that existing. This would somewhat increase its prominence, accentuated by its illumination and changing images, particularly during hours of low natural light or darkness. However, it would not have an immediate backdrop of vegetation, and would be slightly set apart from the dwellings. It would thus relate more to the wide road and the general highway infrastructure, including the pedestrian crossing to the west. As such, it would not draw undue attention as additional clutter.
7. Taking into account that the most up to date LCD digital panel technology is becoming increasingly customary, the area is not so traditional or verdant that the modernity of the design and its commerciality would be too much of a juxtaposition against the domestic character. Prominence would be further limited via conditions to restrict maximum brightness, moving content, and frequency of image change. Its overall brightness would be at similar levels to that at present, albeit slightly more noticeable in digital form than from backlighting.
8. In this instance this is a relatively finely balanced judgement. However, in the context of my reasoning above, I find that the advertising panel's design, increased size, and digital illumination, would not be of such magnitude and juxtaposition so as to harm the visual amenity of the area.
9. 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. The UDP Policy BE13 requires advertisements to not harm the character or appearance of the area, and to relate in scale and design to their surroundings.
10. Paragraph 135 of the National Planning Policy Framework ('the Framework') (2023) also 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 not harm visual amenity, it complies with the UDP Policy BE13 and with the Framework.

11. Advertisements are subject to 5 standard conditions. Additional conditions have been suggested relating to restrictions on luminance, visual effects, and minimum display timings. I have imposed these in the interests of visual amenity, with some modification for better clarity.

**Conclusion**

12. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panel would not be detrimental to the interests of visual amenity, and therefore the appeal is allowed.

*L N Hughes*

Inspector