



Appeal Decision

Site visit made on 23 October 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/W4223/Z/24/3349284

Land west of Ashton Road, Hathershaw, Oldham OL8 3HF

- 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 ARM Capital against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is ADV/351200/23.
 - The advertisement proposed is installation of a replacement billboard.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed digital advertisement display on amenity having regard to the character and appearance of the area, and the effect on public safety.

Reasons

Amenity

3. The appeal site is located at the junction of Hathershaw Lane and the A627 Ashton Road. There are two existing poster display boards at the site. The proposed digital advertisement billboard would replace one of the existing billboards. It would be of a similar size to the poster billboard. The location primarily has commercial and residential uses, with houses generally facing away from the site. Consequently, the proposed digital billboard would have no adverse impact on the visual amenity of the area or residential amenity.

Highway safety

4. The proposed digital billboard would be seen from Ashton Road, which has a relatively long straight section of carriageway that slopes uphill towards the appeal site. Ashton Road is a strategic busy route in the Borough. The junction with Hathershaw Lane has several functions. Just prior to the site, Ashton Road splits into a left turn into Hathershaw Lane/or directly forward, with the right hand lane allowing a right hand turn into Beehive Street. Beehive Street also serves an access to a cake factory for cars and heavy goods vehicles. There are three sets of traffic lights around the junction and three pedestrian crossing

- points with push button controls, plus road markings for cyclists. The location has street lighting columns.
5. The proposed digital display would have a maximum luminance of 600cd/m². The Council's Environmental Health Officer has raised no objection to the proposed level of illumination. Only static images would be shown with a proposed maximum change rate of every 10 seconds.
 6. As vehicles approach the road junction uphill along Ashton Road from the south they meet a set of traffic lights. The left traffic light signal head would be seen by drivers along with the backdrop of the proposed digital display. I consider that this would cause a significant source of distraction for drivers using the long approach along Ashton Road, and this part of the busy junction. There would be the possibility of the illuminated display diverting attention and causing drivers to miss the changes in traffic signals with potential for conflict with other vehicles, and cyclists.
 7. There would also be a significant risk for pedestrians using the crossings on Hathershaw Lane and Ashton Road at the junction should drivers miss a red stop signal at the Ashton Road traffic lights. Moreover, the junction has a history of accidents. The Highway Authority's records indicate that there have been seven personal injury accidents at or near the site location in the 5 year period up to the date of its application consultation response to the Council. The accidents resulted in two fatalities and one serious injury.
 8. Although the proposed digital display would only have static images I find that it would increase the possibility of accidents at this location and would be detrimental to highway and public safety. The Council has referred to Development Management Policies 5 and 9 of the Oldham Local Development Framework in its reason for refusal. The Regulations require that decisions are only made in the interest of amenity and public safety. Although I have taken the development plan policies into account as material considerations, they have not been a decisive factor in my determination of the appeal.

Other Matters

9. The appellant is willing to accept a condition with a longer maximum rate of change if 10 seconds is considered to be too short an interval. Despite this, I find that increasing the rate of change of the display would not resolve the problems created as a result of the digital display being seen by drivers in conjunction with the traffic lights at the Ashton Road approach.
10. The appellant also submits that the addition of the temporary advertisement would provide an economic benefit for local businesses who would be able to afford advertising on a digital billboard rather than the more expensive paper option. However, I find that the claimed benefits are insufficient to outweigh the harm to highway and public safety that I have identified from the proposal.

Conclusion

11. For the reasons given above the appeal should be dismissed.

Martin H Seddon

INSPECTOR