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## Appeal Decision

Site visit made on 20 November 2024

**by Ian McHugh DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 December 2024**

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**Appeal Ref: APP/M3455/Z/24/3349832**

**39 Hartshill Road, Stoke-on-Trent, ST4 7QT**

- 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 Wildstone Estates Ltd against the decision of Stoke-on-Trent City Council.
  - The application Ref is 70936.
  - The advertisement proposed is replacement of existing poster sign to an internally illuminate 'D' poster.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are the effect of the proposal on the amenity of the area and the effect on public safety.

### Reasons

#### *Amenity*

3. Number 39 Hartshill Road (number 39) is an end-of-terrace property containing a commercial use on the ground floor with residential above. The side gable wall is a prominent feature in the streetscene, particularly when approaching the building from the north-west direction. Hartshill Road (A52) is a busy route leading to and from the built-up area of the city.
4. Land uses in the vicinity of the appeal site are mixed and include residential dwellings on Honeywall. These are positioned at a higher level and some face towards number 39, albeit at an angle. Nearby commercial sites contain advertisements of varying types and sizes.
5. The appeal site is not in a conservation area, but the closest part of the boundary of the Stoke Town Centre Conservation Area (CA) is to the east of the appeal site, on the opposite side of Hartshill Road.
6. The proposal is to replace an existing poster sign on the gable wall with an internally illuminated display. The replacement advertisement would contain changing displays and the appellant proposes to restrict the hours and the intensity of the illumination (to 150cd/m<sup>2</sup> during hours of darkness), with no illumination between 23:00 and 05:00 daily. The industry standard for illumination is 300cd/m<sup>2</sup> during hours of darkness.

7. In reaching my decision, I acknowledge and give weight to the public benefits of advertising. I have also considered the existence of similar displays at other locations within the city and elsewhere. However, the appeal must be considered on its merits and no two sites are identical.
8. The proposal is essentially a resubmission of an earlier proposal, which was refused by the Council and dismissed at appeal (APP/M3455/Z/20/3253417) on 22 September 2020. In dismissing the appeal, the Inspector concluded that the proposal would be a visually prominent and incongruous feature and that it would also appear unduly prominent and intrusive when viewed from Honeywall and the residential properties along it. This decision is a material consideration and carries significant weight in my assessment of the current appeal.
9. The appellant's current proposal is seeking to address the above concerns. In addition to the hours and illumination restrictions, the proposed advertisement would be positioned at a lower level than that shown in the previous application. It would be at the same level as the existing poster sign.
10. Notwithstanding the proposed differences, I share the concerns of the Council and the previous Inspector. The proposed advertisement would have a significantly greater impact on the streetscene than the existing, because of the nature of the LED illumination and the continual changing display. Although there is other signs and adverts nearby, these are generally smaller scale and, consequently, the appeal proposal would appear dominant and at odds with its surroundings. It would also be visually intrusive and prominent when viewed from the dwellings on Honeywall.
11. I have given weight to the restrictions on hours and illumination put forward by the appellant. However, the proposed display would still be highly visible for most of the day, including during hours of darkness in the winter months. Therefore, I am not persuaded that the proposed restrictions would offset the harm that I have identified.
12. In determining this appeal, I have also considered the effect of the proposal on the setting of the CA. Because of the intervening road (Hartshill Road) and other buildings between the appeal site and the CA boundary, I am not persuaded that the proposed advertisement would have an adverse impact on the significance of the heritage asset.

#### *Public Safety*

13. I note that the Council has no concerns in relation to public safety and that the Highways Authority raised no objections to the proposal. Although Hartshill Road can be busy at times and the site is relatively close to road junctions, I have no reason to consider that the proposal would cause a distraction to drivers or other road users. Consequently, my conclusion on this matter is that the proposal would not have an unacceptable impact on public safety.

#### **Conclusion**

14. For the reasons given above, it is concluded that the appeal be dismissed.

*Ian McHugh*

INSPECTOR