



Appeal Decision

Site visit made on 10 December 2024

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/J4423/Z/24/3350240

180 Penistone Road North, Sheffield S6 1QA

- 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 Limited against the decision of Sheffield City Council.
- The application reference is 24/01397/HOARD.
- The advertisement proposed was originally described as 'replacement of existing advertising hoarding with a digital advertising screen (D-Poster).'

Decision

1. The appeal is allowed and express consent is granted for the display of a digital advertising screen at 180 Penistone Road North, Sheffield S6 1QA, in accordance with the terms of the application, Ref 24/01397/HOARD, dated 25 April 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 additional conditions as set out in the attached schedule.

Preliminary Matter

2. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published, replacing the version from December 2023. I have had regard to this as a material consideration.

Main Issues

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

Reasons

Amenity

4. The appeal site is located on Penistone Road North, a major, multi-lane arterial route leading into the centre of Sheffield from the north. The existing billboard is mounted on the flank wall of an end-of-terrace dwelling, facing towards a large intersection. Immediately to the north of the site is a car repair garage with an open forecourt. Beyond this, and close to the corner of the junction, is a former petrol station now in use by a car rental business.
5. The site is already host to a poster hoarding. The Council states that no record of advertisement consent exists for the hoarding, although there is no indication that discontinuance action has or is being considered. It is argued to be out-of-keeping with the residential dwellings in the area; however, the Council also describes the area as a mix of residential and commercial uses. There is housing lining one side of Penistone Road North travelling to the south of the appeal site, and similar

advertisement hoardings exist to the side elevations of other dwellings to the south, at Nos 192, 206, 208 and 226. However, most of the housing is located along side streets to the west where the influence of the dual carriageway is less.

6. My observations otherwise were of a busy urban context, with several commercial and industrial premises of varying types located around the nearby intersection and just beyond it to the north and to the east on Herries Road. Ultimately, I saw commercial uses to be more prevalent along the roadside, and I found the overall character of the area is that of a busy urban road corridor dominated by the wide, straight dual carriageway.
7. The Planning Practice Guidance (PPG) indicates that large poster hoardings may be permitted in an industrial or commercial area of a major city where there are large buildings and main highways and where the advertisement would not adversely affect the visual amenity of the neighbourhood. Given this guidance, and the prevailing site characteristics, I consider the area is one where a hoarding could be accommodated in principle.
8. In this case, the proposed advertisement would match the size and position of the existing hoarding, and so would not obscure the adjacent terrace to any greater degree. I recognise that the hoarding at the appeal site is more prominent than those further to the south owing to the openness of the land immediately in front of it and I am conscious that a digital display could be more conspicuous compared to a poster advertisement, particularly during hours of dusk and darkness. However, the road is well-illuminated by street and traffic lighting, particularly around the intersection, which would temper the prominence of the display.
9. Moreover, it would be observable mainly from commercial areas to the north around the road junction in a vista containing street lighting, traffic signage and other advertisements, in particular the large 'Enterprise' livery adorning the former petrol station. The imposing stands of Hillsborough Stadium also loom large a short distance to the south from the road intersection and, if anything, draw the eye from other features along the roadside, including existing hoardings. In this context, the proposal would represent a very modest alteration to the existing arrangement that would not appear unduly dominant or out of character in the context of an already busy urban environment.
10. The appellant's evidence indicates that illumination would be restricted and the spill of light would be limited to the forecourt of the adjacent garage, with the workshops themselves not subject to intensive illumination. The advertisement would also face away from dwellings to the west on Farndale Road, which would in any event be screened by the car garage. The appellant is willing to accept conditions restricting levels of illumination and I am satisfied that the advertisement would not be visually intrusive to neighbours in these circumstances.
11. For these reasons, I find that the proposal would not harm the amenity of the area. I have taken into account the provisions of the development plan, so far as they are material, but find no conflict with Policies BE13 and H14 of the Unitary Development Plan (March 1998) (the UDP), which permit large poster and illuminated advertisements where they would not harm the character or appearance of the area and require that development in housing areas does not lead to nuisance, or risk to health and safety, for people living nearby. I also find no conflict with the guidance of the Framework or the PPG.

Public Safety

12. The Council's concern is that digital signage is less than ideal from a highway safety point of view due to the potential distraction of drivers caused by brighter, changing images and the increased risk owing to the busy nature of Penistone Road North. The Council also raises concern at the potential cumulative effect of the other hoardings to the south being replaced with digital displays.
13. The proposed display would be static with no moving images or animations. A new advertisement would display every 10 seconds and illumination would be limited in accordance with maximum thresholds recommended by the Institute of Lighting Professionals (ILP). I am satisfied that these parameters would help to minimise its potential for distraction of drivers.
14. In addition, the principal view of the hoarding would be for drivers travelling south through the nearby intersection. From my observations, the hoarding is a sufficient distance beyond the junction, on the opposite side of the road and partially obscured by the 'Enterprise' signage. Therefore, it would not pose an immediate distraction to drivers needing to observe traffic signals or road signage.
15. The hoarding would only be in clear view for a short distance immediately beyond the junction. Drivers are only likely to observe one or two static images in that time and I agree with the appellant that the hoarding is unlikely to provide a material distraction in the context of a busy, dual carriageway layout where drivers are constantly assimilating multiple sensory inputs from various sources, most notably the position and speed of vehicles around them. In these respects, I also note the appellant's evidence of signage at other locations showing no significant change in accident rates following their installation.
16. Moreover, the appeal scheme would not contribute to a cumulative array of digital hoardings in the same location, and I am not persuaded that allowing the appeal would necessarily lead to harm to public safety through other nearby hoardings changing to digital, as any proposal would have to be assessed on its own merits, having regard to the prevailing site conditions at the time.
17. For these reasons, I conclude that the proposal would not cause harm to public safety and no conflict arises with Policy BE13 in terms of its requirement that advertisements do not cause a traffic hazard.

Other Matters

18. I have had regard to other matters raised in representations, including energy usage of digital displays and overconsumption encouraged by advertisements. However, the Regulations¹, Framework² and PPG³, are clear that the appeal shall be considered only with regard to amenity and public safety. Therefore, these are not matters which are determinative in this case.

Conditions

19. The PPG advises that advertisements that are illuminated, incorporate frequent changes of display or moving elements, or require close study are more likely to cause a distraction to motorists. The advertisement would be adjacent to a main

¹ Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² Paragraph 141

³ 026 Reference ID: 18b-026-20140306

thoroughfare, so to ensure highway safety conditions are necessary to restrict levels of illumination; the use of moving images; to control how images change and to ensure its operation does not cause distraction to drivers.

Conclusion

20. For the reasons given, the appeal is allowed.

K. Savage

INSPECTOR

Schedule of Conditions

- 1) The development shall be undertaken in strict accordance with the following plans:
 - 7551 | PA | 01 Site Location Plan
 - 7551 | PA | 02 Existing Site Plan
 - 7551 | PA | 03 Proposed Site Plan
 - 7551 | PA | 04 Existing and Proposed Elevations
- 2) At night-time, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night-time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m². For the purposes of this condition, the 'night-time' period shall be defined as per the glossary of PLG 05 or its equivalent replacement guide.
- 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 4) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
- 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 6) There shall be no moving images, animation, video or full motion images displayed at any time.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.