



Appeal Decision

Site visit made on 10 December 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/F4410/Z/24/3351329

4 Don Street, Wheatley, Doncaster DN1 2SF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of City of Doncaster Council.
 - The application reference is 24/00920/ADV.
 - The development proposed is described as the erection of static illuminated D48 advertisement display with a height of 6m and a width of 3m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.
4. The Council has drawn my attention to Policies 13 and 49 of the Doncaster Local Plan 2015-2035 (LP) and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach. Therefore, in my consideration of this appeal, the Council's policies have not, in themselves, been decisive.

Main Issues

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

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons for the Recommendation

Visual Amenity

6. The appeal site is the flank wall of an existing two-storey residential dwelling located on Don Street, at the junction of Don Street with Church Way. The Council identifies the site as being within a Residential Area. There are mostly residential dwellings within the immediate area, along with a restaurant, a car wash on the opposite side of Church Way, and several commercial units some distance away to the south-east of the appeal site.
7. The advertisement display would be positioned on the gable wall of an end of terrace dwelling and would be in an elevated position, around 2.62 metres from the ground. The context of the appeal site is determined by the surroundings in which the proposal would be seen. In this instance, notwithstanding the commercial units to the south-east, the site is mostly seen in the context of the residential properties.
8. Given the siting of the advertisement display in relation to the host dwelling, due to a combination of its location, size, and illumination the advertisement would be highly prominent in the street scene and would appear out of place and dominant in this residential area. In coming to that view, I note there are other sources of illumination, particularly from the street lighting and the traffic lights, within proximity of the appeal site. However, given the prominent location of the advertisement, the illuminated changing images would stand out, during both the day and at night, further accentuating its visual prominence and its incongruity on a domestic property. Accordingly, the development would be harmful to the visual amenity of the area.
9. I have also had regard to the nearby commercial units which have advertisements displayed in various sizes. However, the appeal proposal is not directly comparable with them, as most of the existing advertisements relate to those businesses and are smaller in size.
10. The appellant has drawn my attention to an advertisement that was allowed at appeal in a different city². I acknowledge the similarities in terms of the advertisement themselves. However, having read the appeal decision for that case, the circumstances of that proposal are different, as in that case it was a replacement of an existing larger externally illuminated billboard with a smaller internally illuminated digital advertisement. The characteristics of the area also appear to be different, as the Inspector described the street scene as 'accommodating a mix of commercial and upper floor residential uses'.
11. The appellant has also referred to several other advertisements, which are showed to be operating during different times of the day, and to an advertisement consent³ given by a different Council. The details provided for these developments are limited, and in any event, they do not demonstrate that the proposal before me is directly comparable with them. Accordingly, I have considered the appeal scheme based on its own merits and site-specific circumstances.

² Appeal ref: APP/B4215/Z/22/3303626

³ Newcastle-Upon-Tyne City Council ref: 2020/1481/01/ADV

12. Taking all of these factors into account, the proposed advertisement would cause harm to the visual amenity of the area. In this regard, the proposal would also conflict with the aims of Policy 49 of the LP and the Framework.

Public Safety

13. The proposed digital advertisement display would face Church Way, which is a two-lane dual carriageway, and a classified road (the A630). It would be adjacent to the traffic lights located on Church Way, which serve a pedestrian crossing. Given its corner location, angle, elevated position, and size, the advert would be visible to pedestrians and those driving on Church Way. Notwithstanding the angle, the advert would also draw the attention to the drivers who turn right on Don Street from the southbound side of Church Way.
14. From what I have observed during my site visit, Church Way is a busy road, with good visibility near the appeal site, and has a speed limit of 40 miles per hour. The nearest sources of illumination are the streetlights and the traffic lights; there are no other internally illuminated signages at a size similar to that of the appeal development in the immediate vicinity of the site. Due to a combination of its siting, size and method of illumination, the development would appear overly prominent, particularly in the context of the adjacent traffic lights. The sharp vivid images and the movement created by the changing displays would further add to the prominence of the development, which could cause a distraction to the road users, particularly as they approach the traffic lights, and result in harm to public safety.
15. I acknowledge the evidence submitted by the appellant, as outlined within the 'Highways Technical Note 01', including the case studies of other advertisement signage and the accidents records in those locations. The evidence shows that no accidents occurred near the appeal site in the three-year period 2020-2022. However, the development would alter the environment in which the road users would interact, thus previous accidents records carry limited weight.
16. The case studies indicate that the number of accidents varied before and after the implementation of the advertisements, with no direct correlation between the digital advertisements and an increase in the number of accidents. Notwithstanding this, none of the case studies shows a scheme directly comparable with the development before me, particularly as those advertisements were not directly adjacent to traffic lights that serve a pedestrian crossing. Therefore, I can only attach limited weight to this evidence.
17. Accordingly, I am unconvinced that the proposed advertisement, due to a combination of its siting, size, and illumination, is appropriate in this location having regard to public safety. Consequently, the proposal has failed to demonstrate that it would not interfere with highway safety, thus it would not accord with the aims of Policies 13 and 49 of the LP or those of the Framework.

Other Matters

18. I have considered the appellant's suggested conditions, including the proposed limit for the luminance level and a minimum time for an image to be displayed. However, these would not be sufficient to mitigate the overall harm that I have identified above.
19. As indicated above, powers to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. Whilst I have noted the statement of the Council's Environmental

Health Officer regarding the effect of the proposal on the living conditions of the occupiers of nearby dwellings in terms of light pollution, this matter is not determinative in my consideration of the appeal.

20. Finally, whilst I acknowledge the environmental, social, and economic benefits outlined by the appellant regarding digital advertisements, including the overall reduction of panels nationwide, they do not outweigh the harm to the visual amenity and public safety.

Recommendation

21. For the reasons given above and with regard to all other matters raised, I recommend that the appeal is dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence, and my representative's recommendation, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR