



# Appeal Decision

Site Visit made on 7 September 2021

**by Mr R Walker BA HONS DIPTP MRTPI**

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

**Decision date: 21 September 2021**

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**Appeal Ref: APP/F4410/Z/21/3273164**

**St. George Filling Station, Church Way, Doncaster DN1 2RE**

- 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 Clear Channel UK Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/00162/ADV, dated 19 January 2021, was refused by notice dated 17 March 2021.
  - The advertisement proposed is erection of illuminated 48-sheet advertisement display and ancillary vertical meadow.
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## Decision

1. The appeal is dismissed.

## Main Issues

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

## Reasons

### *Amenity*

3. The appeal site is located adjacent to a busy highway (Church Way) in a built-up area characterised by a mix of uses including commercial, education and residential uses. In the immediate vicinity of the appeal site there are other signs. However, none are of the form and scale of the proposal before me.
4. The proposed sign would be in a prominent position adjacent to a junction. The position of the existing petrol filling station set back from Church Way and the scale of the buildings on Chappell Drive results in a somewhat open quality to this part of the road. A dominant tree at the junction makes a positive contribution to the visual amenity of the area by adding a soft, natural contrast to the built environment.
5. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network. Moreover, I'm told that the proposal would be no taller than the totem sign and similar in height to the canopy at the petrol filling station. Even so, the scale and massing of the proposal would dominate the junction and detract from the open aspect and view of the tree on the approach from the south west.
6. Although there are no plans before me, removing the vertical meadow, as suggested by the appellant, would still result in an elevated obtrusive and

dominant display due to its width and height. Even for a temporary period of 5 years this would be to the detriment of the visual amenity of the area.

7. The level of illumination and rate that individual adverts change could be controlled. However, the change of display would still draw the eye, exacerbating the harm I have identified from the physical scale and massing of the proposal in this location.
8. I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

#### *Public safety*

9. The proposed digital display would be prominent to motorists travelling north east along Church Way. Although the recorded accident incidents data demonstrates that the site is not a 'black spot', it does indicate a degree of sensitivity, due to the small number of recorded incidents, including one adjacent to the appeal site. I have, in any case, made my own assessment of the proposal before me.
10. The change in display would draw the eye, encouraging a motorist to look towards the display to see the new advert, even though it would be an almost instant change. At this section of Church Way vehicles have just exited a roundabout and approach the entrance to the petrol filling station and traffic signals.
11. The position of the advert would not obscure views of the traffic signals for approaching traffic and the appellant advises that vehicles would likely experience no more than 2 images when passing. However, a distraction at this point, even a brief distraction, could lead to a collision as vehicles approach the signals.
12. Proposed conditions would control, amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, the matters covered by the conditions would not overcome my fundamental concern over the potential distraction caused by a changing advert in this location.
13. I therefore find that the proposal would prejudice public safety in the area.

#### **Other Matters**

14. The Council has cited Policy ENV58 of the Council's Unitary Development Plan (1998) and Policy CS14 of the Council's Core Strategy (2012), as well as the National Planning Policy Framework, in its reasons for refusal. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, these matters have not, themselves, been decisive in my determination.

#### **Conclusion**

15. For the reasons given above, the appeal is dismissed.

*Mr R Walker*

INSPECTOR