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## Appeal Decision

Site visit made on 15 March 2022

**by Paul Cooper MSc MRTPI**

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

**Decision date: 29 March 2022**

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### **Appeal Ref: APP/F4410/Z/21/3286574**

### **Goals, Worcester Avenue, Wheatley, Doncaster DN2 4NB**

- 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 Ben Porte of Clear Channel UK Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/02711/ADV, dated 1 September 2021, was refused by notice dated 27 October 2021.
  - The development proposed is Installation of freestanding internally illuminated 48 sheet D-Poster display sign.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. I have utilised the description in the header above from the Council's Description of Development. It utilises just the first line of the description from the application form and is far more concise than the appellant's description. I am satisfied that neither party is prejudiced by this course of action.
3. Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

### **Main Issues**

4. The main issues in this appeal are:-
  - The effect of the development on the visual amenity of the area.
  - The effect of the development on public safety as it relates to road users.
  - The effect of the development on residential amenity.

### **Reasons**

#### *Visual amenity*

5. The appeal site is adjacent the boundary with the "Goals" football centre and the advertisement proposed is designed to attract those travelling along

Wheatley Hall Road (A630), which is a well trafficked dual carriageway. The area is a mix of commercial and residential development.

6. The advertisement would be sited in a prominent position, easily visible from Wheatley Hall Road. There are other advertisements in the area, but these tend to be smaller in scale and not illuminated. I have no doubt that the advertisement would meet all relevant best practice guidance but there is also no doubt that the illumination would result in a visually prominent feature that would stand out from other advertisements and dominate the street scene. This would be magnified by the periodic changing of the illumination that would draw further attention, increasing the visual prominence and harmful to the visual amenities of the area.
7. As per the regulations, I have taken into account the relevant policy of the Doncaster Local Plan (the LP). Criterion A,B and E of Policy 49 of the LP expects advertisements, amongst other matters, to respect the character and appearance of the area, and not be a dominant feature in a location.
8. I find that appeal proposals would harm the visual amenities of the locality and not be in accordance with Policy 49 of the LP as shown above, as well as being contrary to the advice given in Paragraph 136 of the National Planning Policy Framework (the Framework)

#### *Public safety*

9. I note from my site visit that the road is well trafficked, and there is a set of traffic lights close to the site located on the highway which contains a highway turn, and highway users need to be paying attention at this point. The PPG states that all advertisements are designed to attract attention, with those proposed at points where drivers need to take care are more likely to affect public safety.
10. When approaching the signal-controlled junction, the traffic lights would be set in the same context as the appeal proposal. Given the periodic changes of display, even with an instantaneous change, and the operational illumination, I find that it could distract road users at a point where concentration levels need to be high. The highway consultee has objected for a similar reason.
11. In accord with the regulations, I have taken into account the relevant policy of the LP. Criterion D of Policy 49 of the LP expects development, amongst other matters, to not interfere with highway safety. I also find the proposals contrary to the guidance set out in Paragraph 111 of the Framework.

#### *Residential amenity*

12. Concerns have been raised with regard to the potential of the proposals to cause light disturbance to residential amenity as well as being an unnecessary addition to the locality.
13. The addition and relevance of the need for the advertisement is not an issue that carries any significance in the assessment of the proposals, and I find that the position of the advertisement and separation distance from residential property is considerable, in addition to other light producing sources already in-situ in the area means that I find there is no conflict with Criterion E of Policy 49 of the LP with regard to harm to residential amenity. Nonetheless, while I

do not find harm in relation to this issue, I have identified harm in relation to other issues.

**Conclusion**

14. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

*Paul Cooper*

INSPECTOR