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# Appeal Decision

Site visit made on 18 March 2022

**by R Jones BA(Hons) DipTP MRTPI**

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

**Decision date: 29 April 2022**

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## **Appeal Ref: APP/F4410/Z/21/3289105**

### **Land at York Road, Doncaster DN5 9AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Alight Media against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/03324/ADV, dated 31 October 2021, was refused by notice dated 13 December 2021.
  - The development proposed is a new single illuminated 48-sheet digital advertisement display.
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## **Decision**

1. The appeal is dismissed.

## **Procedural Matter**

2. In their decision the Council have referenced paragraph 136 of the National Planning Policy Framework (the Framework) and Policy 49 of the Doncaster Local Plan 2015-2035 (September 2021) (LP). However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may only be exercised in the interests of amenity and public safety. I have therefore taken the Framework and LP Policy 49 into account insofar as they are material, but they have not been decisive in my decision.

## **Main Issues**

3. The main issues are the effect of the proposed advertisement on the amenity of the area, and on public safety.

## **Reasons**

### *Amenity*

4. The appeal site comprises a small area of land on the north-east side of York Road, close to its junction with Grove Avenue, a residential road, and Newcomen Road. It adjoins a recently built two-storey building which accommodates a skincare clinic and residential apartments. York Road is a dual carriageway (A638) and a busy route between Doncaster and the A1(M).
5. The proposal is for a single-sided 48 sheet digital advertisement display that would be mounted on a single column above the boundary fencing of the neighbouring clinic. It would be set at an angle to York Road to face towards

south-east (Doncaster) bound traffic, and would display static images that would change every 10 seconds.

6. The proposed advertisement would be large in size, with the digital screen measuring 6m in width and 3m in height which, according to Section 4 of the consent to display an advertisement(s) application form, would be 2.5m from the ground, to its base. The proposed advertisement would be angled and set well forward of the building line of the adjoining skincare clinic and apartment building. This siting, in combination with its size and elevated position, means that the advertisement would be unduly prominent from York Road, for both road users and pedestrians, as you travel south-east and through the junction with Newcomen Road and Grove Avenue.
7. The guidance in the Planning Practice Guidance (PPG) is that, in assessing amenity, consideration should be given to the local characteristics of the neighbourhood. It further advises that, whilst a large poster-hoarding would be refused where it would dominate a group of listed buildings, it would be permitted in a commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.
8. I observed on site that the opposite side of York Road (to the south) is dominated by the Danum Retail Park with its associated fascia and totem signage. However, I found the north side of York Road to be more suburban and residential in character and the appeal site is at the edge of a stretch of woodland that extends for around 100m toward Lady Pitt's Bridge. The proposed advertisement would appear an incongruous addition against this woodland backdrop, reducing the role it plays in providing visual relief in the built form. Further, it would introduce a large scale commercial advertisement in the street scene on the north side of York Road, at odds with the local context, which is not predominantly commercial, and where there are no examples of similar advertisement displays.
9. I appreciate that the display would not exceed the maximum luminance recommended within the Institute of Lighting Professionals best practice guidance during dusk and darkness, and that the transition between images would be virtually instantaneous. However, the digital illumination would cause the advertisement to further stand out, drawing the eye and accentuating its visual prominence.
10. I acknowledge that because of its siting (at an angle to York Road), the proposed advertisement would only be viewed from one direction, by traffic travelling toward Doncaster, and that its location on the inside of a slight bend means that there is not a long line of sight. Further, it would not result in visual clutter, as suggested by the Council. However, for the reasons given, I nonetheless find that it would cause harm to the appearance and amenity of the local area, contrary to the Regulations and paragraph 136 of the Framework. It would also conflict with LP Policy 49 which requires advertisements to respect the character and appearance of the area.

#### *Public safety*

11. The PPG states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of

advertisement which may cause danger to road users are those which are illuminated or which could be mistaken for, or confused with, traffic lights. Moreover, those which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.

12. I observed that York Road is a 40mph road with multiple lanes and, close to the appeal site, it was heavily trafficked at the time of my site visit. The proposed advertisement would be located beyond the signalised junction with York Road, Grove Road and Newcomen Road only visible for road users travelling south-east, towards Doncaster. Newcomen Road is one of two points of access to the Danum Retail Park via signalised right and left hand filter lanes from York Road. Whilst a busy junction, the signalised arrangement is clear and straightforward with no opposing traffic movements. Further, there are no dedicated pedestrian crossings at this location. These are located around 120m further to the north-west on York Road.
13. The appellant has provided information from the local accident record for the most recently available five-year period drawing on data from Crashmap. This shows that there has only been one 'slight' incident in the immediate vicinity of the appeal site during this time. Although this incident involved a slight injury to a vehicle or pillion passenger, from the information available, it appears there was no impact or a collision between vehicles. This demonstrates that the highway network in the vicinity of the site is relatively free of incident.
14. Despite its size and illumination, the sets of traffic signals when approaching from the north-west will remain visible in front the advertisement display. Combined with the straightforward nature of the junction described above, the advertisement display would not present an additional distraction to motorists such that it would reduce drivers' ability to pay full attention, or to an extent that the likelihood of collisions would increase.
15. Illuminated signs, including those using LED technology, which are subject to frequent changes of the display, are identified in the PPG as a type of advertisement which may cause danger to road users. However, based on the site specific circumstances, it is my judgement that the change of the static advertisement images every 10 seconds would not be confusing or distracting to road users, so as to create a hazard.
16. For these reasons, I conclude that the proposed advertisement would not be detrimental to public safety. Consequently, it would not conflict with LP Policy 49 in so far as it would not interfere with highway safety or cause a safety hazard.

### **Other Matters**

17. I appreciate that digital technology may bring some environmental benefits, such as those asserted by the appellant, which include a reduction in waste compared to printed vinyl, remote management, servicing and maintenance, and the extended service life of LEDs. Whilst I have little evidence before me as to why the advertisement is patently needed by the appellant, I also acknowledge the contribution that advertising generally makes to the economic health of the country.

18. However, in this case, these matters would not outweigh the harm to amenity that I have identified above. Moreover, the Regulations require that I exercise my powers only with regard to amenity and public safety albeit these benefits may be proffered as other relevant factors.

**Conclusions**

19. For the reasons given above, I conclude that the display of the advertisement would be detrimental to the interests of the amenity of the area. This provides a clear justification for finding the proposal to be unacceptable and therefore the appeal should be dismissed.

*R Jones*

INSPECTOR