
Appeal Decision

Site visit made on 27 March 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

Appeal Ref: APP/T4210/Z/16/3165844

Bury Roofing Services, Peter Street, Bury BL9 6AB

- 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 Mr C Haslam on behalf of Bury Roofing Services against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60524, dated 29 August 2016, was refused by notice dated 26 October 2016.
 - The advertisements proposed are described as 'retrospective application for 2no. non-illuminated external signs'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address provided by the application form has been updated by the Council's decision notice through the inclusion of 'Bury Roofing Services'. At the time of my visit, the signs were in place and located within the site known as Bury Roofing Services facing Walmersley Road, Moorgate and Peter Street respectively. Consequently, I consider it necessary that the site address given by the Council is adopted to provide certainty that the signs are located within a site accessed from Peter Street, rather than only facing that road. The description of development provided by the application form has also been updated in subsequent documents. I have adopted the description of development provided by the Council's decision notice as it is accurate and provides certainty in terms of the advertisements proposed.
 3. The appellant has expressed a willingness to amend the proposal if necessary. However, there are no amended plans before me. I, therefore, determine the appeal on the basis of the proposal in the submitted plans and upon which the Council made its decision.
 4. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has drawn my attention to Saved Policy EN1/9 of the Bury Unitary Development Plan (UDP), adopted August 1997. I have taken the policy into account as a material consideration, in so far as it relates to amenity and public safety.
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Main Issue

5. The main issue is the effect on amenity, with particular regard to the character and appearance of the site and the surrounding area, and public safety.

Reasons

6. The appeal site occupies a prominent corner location at the junction of Moorgate and Walmersley Road, which forms part of an important gateway location at the edge of Bury town centre. The site is currently in use as a commercial yard which is enclosed by a mix of advertising hoardings, wooden fencing and palisade fencing, with an access from Peter Street on its eastern side. The immediate surroundings to the south and west beyond the Moorgate and Walmersley Road junction are modern commercial premises and associated car parking areas. A local shopping centre lies further to the north along Walmersley Road and there are predominantly well-established commercial buildings and uses along Peter Street and to the east.
7. The site has a proliferation of existing advertisements including externally illuminated hoardings to the Peter Street, Moorgate and Walmersley Road frontages, additional poster signs on the wooden fencing and directional / advisory signs on the palisade fencing. The proposal relates to the retention of a further 2 non-illuminated advertisements which are located within the site. Advertisement 1 consists of a post mounted sign in three sections visible above the existing hoardings facing both Moorgate and Walmersley Road with dimensions of approximately 0.7m in height by 36m in width. Advertisement 2 consists of a v-shaped sign design sited on top of a container and visible above the existing hoardings which face Moorgate, with total dimensions of approximately 4.8m wide and 1.2m high in two sections facing towards the junctions with Walmersley Road and Peter Street respectively. Both advertisements consist of logos, numbers and lettering which are white or red on a black background.
8. The site is within a commercial setting where differing types of advertisements, including fascia signs, totem signs and free standing signs, are a characteristic feature. The majority of advertisements surrounding the Moorgate and Walmersley Road junction are of a design, scale and form which are in-keeping with their surroundings, particularly those associated with modern units to the south and west. In contrast, the large number and scale of hoardings surrounding the site are highly visible and dominant features within the setting.
9. The addition of a further 2 advertisements of different design and proportions, although set back within the site, results in visually prominent signs above the large hoardings and against the skyline where they appear out of place. Furthermore, when viewed together with the other advertisements sited on the boundary of the appeal site, the resultant effect is a cumulative proliferation of signs and unacceptable visual clutter in a prominent junction location. The proposed advertisements, therefore, have a detrimental impact on the character and appearance of both the site and the surrounding area, which reflects a harmful effect upon amenity. To my mind, the harm would be evident if either or both of the advertisements were to be retained.
10. In reaching the above findings, I have taken into account that the purpose of the advertisements is to identify the location of the business. However, the potential benefits of the advertisements to the business do not outweigh the

harm identified. The appellant has indicated that several other busy junctions within Bury are used in exactly the same manner for advertisements. However, no specific examples were drawn to my attention and I, therefore, cannot be certain of the locations referred to or the circumstances which may have led to existing advertisements. In any case, the presence of advertisements in other locations would not justify the harm I have identified.

11. The Council have raised no issue in relation to public safety. From the submitted evidence and my observations of the site and its surroundings, I have no reason to disagree with that finding. The position of the advertisements, although located in a corner position and close to junctions, would not obstruct or impair sight-lines. The advertisements are visible within the skyline from some public vantage points, but the absence of illumination or changes of display, together with the subtle colours of the signs relative to nearby hoardings, ensure that the advertisements would not unduly distract road users. The designs of the advertisements include directional arrows toward Peter Street, but are visible from distance with enough time for drivers to signal and turn safely. Nevertheless, the absence of concern in those respects is a neutral factor and does not override the harm otherwise identified with respect to amenity.
12. I conclude that the advertisement would harm amenity, due to the harmful effect on the character and appearance of the site and the surrounding area identified. The proposal, therefore, conflicts with Saved Policy EN1/9 of the UDP and the Framework in that respect.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR