



Appeal Decision

Site visit made on 20 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 11th July 2017

Appeal Ref: APP/X4725/Z/17/3172163

Advertising Right 627, Gable of 10 Horbury Road, Wakefield WF2 9RW

- 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 Paul O'Sullivan, Insite Poster Properties Limited against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 16/03003/ADV, dated 26 October 2016, was refused by notice dated 25 January 2017.
 - The advertisement proposed is the replacement of an existing 48-sheet advertising display with a 48-sheet digital LED display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

3. The proposed advertisement would be sited on the prominent gable end of a building that is situated within the Horbury Road and Dewsbury Road gyratory, on the main western approach towards Wakefield city centre. There is an advertisement display currently on the gable end of the building that would be replaced by the proposed advertisement and is of the same size. The current advertisement is a poster board display. I understand from the appellant and Council submissions, it was previously externally lit, although the associated lighting apparatus appeared to have been removed at the time of my site visit.
4. The positioning of the advertisement would be so that it is orientated towards traffic approaching in the direction of travel from Horbury Road. The building is residential in use, and properties on this part of Horbury Road are also mainly residential. Whilst there are other examples of advertisements, these are related to smaller scale commercial uses or smaller hoardings, and they do not change the overriding character.
5. Although the advertisement would be of the same position, orientation and size as the existing, the image would have the potential to change once every 10 seconds and for this to appear as an instantaneous change. This form, compared to the existing single image, would result in the advertisement being considerably more conspicuous. The lighting effect would also be more

- apparent as this would relate to the digital image that would be lit across the hoarding, as opposed to a fixed external light source.
6. The existing advertisement has been on the building for some time and is established as a feature on the building as a poster board hoarding. The visual appearance of the proposed advertisement with its digital display, change of image and lighting arrangement would be markedly different in character and, with the prominence of the gable end of the building I consider this would significantly detract from the area. The proposed advertisement would also project further out from the gable end and whilst on its own this is not decisive, this further adds to its appearance as a discordant feature.
 7. The existing advertisement is currently visible on Horbury Road, for a distance of around 500 metres to the junction with Cross Lane. The digital display would make the proposed advertisement more prominent along this section of Horbury Road. The effect would be to increase the presence of the advertisement as a stark feature, in particular with this area's predominantly residential character, and as it would be far less discrete than other advertisements. Its more modern appearance would not be a sympathetic addition to the area.
 8. I am not persuaded the use of planning conditions can address these concerns because they would still permit an advertisement change once every 10 seconds and, despite controls over luminance, the digital image would still be lit in a uniform way across the advertisement. Controls of sequencing of messages, the interval between each image, lack of special effects and measures to address malfunctions would have limited impacts on reducing its effects on visual amenity.
 9. The proposed advertisement, as it would be a replacement, would not lead to 'clutter' or unacceptable cumulative effects and cannot be considered in relation to precedent, as each application would be determined on its merits. I accept that the site is not found within a Conservation Area and does not relate to a listed building; none of these matters alter my conclusions.
 10. The Advertisement Regulations (2007) only permit amenity and public safety to be taken into account. The Council has drawn my attention to Policies D9 and D16 of the City of Wakefield Metropolitan District Council Local Development Framework Development Policies (2009) in respect of advertisement control. I have taken these policies into account, as they seek to protect amenity and so are material in this case. The proposed advertisement would conflict with these policies given that I have concluded that it would harm amenity.

Conclusion

11. I conclude the proposed advertisement would be detrimental to the amenity of the building and the area, and would not comply with paragraph 67 of the National Planning Policy Framework as it would have a negative impact on the appearance of the built environment. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR