



Appeal Decision

Site visit made on 19 August 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/W4705/Z/19/3230626

Former 17-19 Richard Street, Bradford BD3 9HT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Mohammed Farooq against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 19/01523/ADV, dated 4 April 2019, was refused by notice dated 30 May 2019.
 - The development proposed is the erection of 2no. 48 sheet freestanding digital advertising display units, measuring 6.4m wide x 3.4m high, and constructed of steel with sealed LED screens.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The site address on the application form is 19-37 Joseph Street, Bradford BD3 9HR. However, for this appeal I have used the address provided on the appeal form and the decision notice which appears to be a more accurate address for the site.

Main Issue

4. The main issue is the effect of the advertisement on visual amenity.

Reasons for the Recommendation

5. The appeal site comprises a triangular piece of open land adjacent to the junction of Shipley Airedale Road and Leeds Road which is elevated from the highway and bounded by a simple post and rail fence. The proposal is for the erection of two 48 sheet freestanding digital advertising display units at right-angles to each other, one facing towards Shipley Airedale Road and one towards the slip road which leads to Leeds Road.
 6. The appeal site falls within an area comprising a mix of commercial and industrial uses, within context of a busy road junction. The site itself has, I
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- understand, been open and undeveloped for a number of years following the demolition of previous buildings. Nevertheless, it is maintained in a reasonably tidy condition and as such makes a neutral, rather than negative contribution to the street scene.
7. In terms of their appearance, the design of the proposed units would be modern, not in themselves unattractive and would add colour to the area. Whilst the units would add to the visual clutter of nearby street furniture including road signs, they would not lead to a proliferation of advertising in the immediate vicinity. However, they would nonetheless be two very large structures that would be visible from many places in the vicinity of the site. Notwithstanding the open character of the site at present and the presence of some substantial buildings locally, the advertisements would be mostly viewed against the relatively modest two and three-storey buildings that lie adjacent to the site. Consequently, the displays would have a prominent and obtrusive appearance owing to their size, their elevated position, their scale in relation to the buildings behind the site and the illuminated digital nature of the displays. As such would be overbearing to those passing by. The limited set back of the units from the edge of the highway would not diminish their impact.
 8. No detailed landscaping plan is before me although I acknowledge that the appellant is willing to discuss site improvements with the Council and the submission of a landscaping plan could be required by a condition. However, the landscaping shown in the proposed images of the site would take some time to become established and in any case the landscaping would not reduce the dominant impact of the scheme to any material extent. Similarly, a condition requiring minor site improvements, upgrading of the boundary treatment, details of materials to be used or the inclusion of street furniture would also not mitigate the harm that would be caused.
 9. The appellant has drawn my attention to other advertising displays within the city. These are all either single 48 sheet or 6 sheet displays whereas the proposal is for two 48 sheet displays. The physical setting of these other displays, including that at The Leisure Exchange, does not appear to mirror that of the appeal site and moreover, in terms of that particular site I note from the appeal decision¹ that the principle of large advertisements at the site had already been established through an earlier approval. No details of any relevant permissions for the other displays to which my attention has been drawn have been submitted with this appeal and I cannot therefore be sure of the context or circumstances in which they were granted. In any case this appeal is being determined on its own merits.
 10. For the reasons given above, I consider that the advertisement would cause considerable harm to the visual amenity of the area and as such would not result in the environmental improvement suggested by the appellant. The Council has drawn my attention to Policies DS1 and DS3 of the Local Plan for the Bradford District – Core Strategy Development Plan Document which seek to protect amenity. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

¹ Appeal Ref: APP/W4705/Z/17/3173799

Other Matters

11. I note the concerns regarding the Council's handling of the case, and in particular the lack of discussion of amendments. However, this is a matter that would need to be taken up with the Council, and in determining the appeal I have only had regard to the planning merits of the case.

Conclusion and Recommendation

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR