
Appeal Decision

Site visit made on 1 October 2019 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 16 October 2019

Appeal Ref: APP/V4630/Z/19/3233605

Crown Wharf Retail Park, Wolverhampton Street, Walsall, WS2 8LL

- 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 Richard Page against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 19/0570, dated 25 April 2019, was refused by notice dated 19 June 2019.
 - The advertisement proposed is the erection of two digital advertising displays.
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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.

Main Issue

3. The main issue is the effect of the advertisements on the visual amenity of the area.

Reasons

4. The Council has drawn my attention to a number of policies it considers to be relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations¹ 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 and the Planning Practice Guidance reiterates this approach.
5. The appeal site relates to two adjacent locations at the pedestrian entrance of the Crown Wharf Retail Park on Blue Lane West. The immediate area has a predominantly commercial character due to the large retail units south of the highway and various businesses to the north. The proposed advertisements would occupy elevated positions adjacent the gable ends of the retail units and they would display static, illuminated images which would change on a 10 second sequential rotation.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

6. Due to the commercial nature of the area there are numerous examples of advertisements in the immediate locality. These include various poster hoardings opposite and a large shared advertisement hoarding on the corner of Bull Lane West with Wolverhampton Street, which advertises all the available stores in the retail park. Due to their raised positioning, scale and sheer quantity, they currently create a cluttered appearance. There are also numerous elements of street furniture, including bollards, street lights, benches and a pedestrian crossing which, due to their close positioning further contribute to the cluttered environment.
7. I acknowledge that the proposed advertisements would be of a simple, modern, design reflecting the character of some of the buildings on the retail park, albeit that they would have no direct relationship with the buildings adjacent to them. However, due to their scale and siting they would add significant further clutter to the street scene.
8. It is recognised there are existing mature trees and hedging adjacent the appeal site which soften the visual appearance of this commercial area. Despite this element of landscaping, the proposed advertisements would be readily apparent in the street scene. As a result of their scale and elevated positioning they would appear visually intrusive and overly dominant, particularly to passers-by on the approach to the site along the highway.
9. It is acknowledged the illumination levels of the proposed advertisements could be controlled during hours of darkness. Nevertheless, the illuminated and multi-changing advertisements would be even more apparent and dominant in the street scene at night time.
10. Consequently, this proposal would result in unacceptable harm to the visual amenity of the area. In that respect the proposal is contrary to policies GP2, ENV32, ENV36 and ENV37 of the Walsall Unitary Development Plan, March 2005, and policies AAPLV6 and AAPLV7 of the Walsall Town Centre Area Action Plan, 2019, which although not decisive, collectively seek to ensure developments are of a high standard of design and which make a positive contribution to local character.

Conclusion and Recommendation

11. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

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

Susan Ashworth

INSPECTOR