



Appeal Decision

Site visit made on 27 October 2019

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2019

Appeal Ref: APP/W4705/Z/19/3236228

Advertising Right on Gable of Old House at Home, 75 Otley Road, Shipley BD18 2BJ

- 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 (Insite Properties Limited) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/02380/ADV, dated 24 April 2019, was refused by notice dated 31 July 2019.
 - The advertisement proposed is the replacement of an existing advertising display with a digital advertising display.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations require that decisions on advertisements be made only in respect of amenity and public safety. The Council raise no objection to the proposal from a public safety point of view. Subject to the imposition of planning conditions, I do not disagree with this view. Therefore, the main issue is the effect of the development on the amenity of the area.

Reasons

3. It is proposed to replace an existing 6 metre x 3 metre externally illuminated poster advertising display with a 6 metre x 3 metre LED illuminated advertising display with images presented on an automated 10 second sequential rotation. The proposed advertisement would be positioned on the upper part of the gable elevation of the Old House at Home public house which is in a highly prominent and conspicuous location adjacent to the very busy Otley Road.
4. The proposed advertisement would project about 450 mm from the gable wall of the appeal building. In comparison, the exiting advertisement projects about 150 mm from the gable wall. Each image rotation would take place in 0.1 seconds or less. The LED illumination would be controlled via a sensor in accordance with the Institute of Lighting Professionals guidance. The advertising images would be presented in a static and two-dimensional manner with no special or other effects.

5. The appellant states that the existing advertisement benefits from consent by virtue of Class 13 of the Advertisement Regulations (i.e. it has been on the building for the preceding ten years without express consent). This has not been disputed by the Council. Nevertheless, and notwithstanding the above, I share the Council's view that the existing advertisement does not positively contribute to the amenity of the area. I acknowledge that there are other advertisements in the area, but the immediate locality is mainly characterised by advertisements that are subordinate in scale to the buildings to which they are attached. In this case, the existing advertisement takes up a large proportion of the gable elevation of the building and so appears out of scale and visually intrusive to the passer-by.
6. The above adverse impacts are to a large extent minimised because the existing advertisement is slim-line and does not project a significant distance from the gable elevation of the public house. In contrast, and when seen in side profile, the proposed advertisement would project much further out from the gable elevation. In this respect, it would appear as a bulky and top-heavy addition to the gable elevation of this prominent and characterful building and hence would cause material harm to the amenity of the area.
7. Whilst I do acknowledge that it would be possible to control by condition the levels of illumination and to ensure that there are no moving images, this would not overcome or outweigh my overriding concern relating to the overall bulk and appearance of the advertisement when seen from Otley Road.

Conclusion

8. For the reasons outlined above, I conclude that the proposal would cause significant harm to the amenity of the area. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR