



Appeal Decision

Site visit made on 29 October 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/D4635/Z/19/3235809

Advertising right north of 2 Birmingham New Road, Wolverhampton WV4 6EF

- 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 Insite Poster Properties Ltd against the decision of Wolverhampton City Council.
 - The application Ref 19/00712/ADV, dated 21 June 2019, was refused by notice dated 15 July 2019.
 - The advertisement proposed is 3no left-hand 48-sheet advertisement displays and removal of 1no central right 48-sheet advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 3no left-hand 48-sheet advertisement displays and removal of 1no central right 48-sheet advertisement display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Preliminary Matters

2. Express consent was granted in April 2018¹ for the removal of five existing externally illuminated 48-sheet poster advertisement panels and their replacement with a single 48-sheet digital LED display. That consent was subject to a condition requiring the five existing advertisement panels to be removed from the site.
3. Notwithstanding the description above, which is taken from the application form, the appellant has confirmed that the current appeal proposal is for the retention of three of the existing advertisement displays alongside the previously-consented digital LED display, combining them as part of a single consent. Two of the existing advertisement displays would therefore be removed, rather than all five of them as was required as a condition of the previous appeal decision.
4. The submitted drawings show the previously-approved digital display as well as the three 48-sheet advertisement displays now proposed for retention. From the submissions before me, including the Council's reason for refusal, it is

¹ Appeal ref: APP/D4635/Z/17/3190946

evident that the Council considered the application on the basis that those three displays would be retained alongside the approved digital LED display.

5. Therefore, notwithstanding the description above, I have considered the appeal proposal on the basis that it includes the digital LED display as well as the retention of those three existing advertisement panels, and as shown on the following drawings which, the Council has confirmed, formed the basis of its decision: Location Plan – Proposed drawing reference T4456 A4 050; Site Plan – Proposed drawing reference T4456 A4 051; and Elevations – Existing and Proposed drawing reference T4456 A4 060.
6. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. I have considered the appeal accordingly.

Main Issue

7. The main issue is the effect of the proposed advertisements on the amenity of the appeal site and its surroundings.

Reasons

8. The site is located adjacent to the junction of Birmingham New Road and Parkfield Road, and is currently occupied by five externally-illuminated 48-sheet 'paper and paste' advertisement display units located in front of a close-boarded timber fence which is similar to them in height.
9. There are residential properties and their gardens behind and on either side of the site on Birmingham New Road and Parkfield Road, and elsewhere in the vicinity. However, the site is located adjacent to what I observed to be a busy signalised junction with multiple lanes of traffic, and faces a large industrial site which has tall, brick boundary walls running alongside Birmingham New Road and Parkfield Road around and away from the adjacent junction.
10. On the basis of the evidence before me and my own observations, the existing advertisement displays appear to have been in place for some time, and to be a well-established feature of this part of the Birmingham New Road street scene which, in part, draws its character from its busy highway infrastructure and nearby industrial premises.
11. The previously-approved digital LED display would have a thicker frame, and would thus be larger, than the existing displays. It would also be positioned higher up than them, and slightly closer to the junction to better align with the side gable of the adjacent house. However, I consider that any additional effects arising from the greater size and prominence of that digital LED display would be satisfactorily offset by the removal of the two existing displays closest to the junction, as proposed. Therefore, even when taken cumulatively with the proposed digital LED display, the retention of the remaining three existing advertisement displays would not result in visual clutter or an overdominance of advertisements, or in harm to the character or appearance of the street scene or the wider area, compared with the existing situation.
12. Therefore, having regard to the existing advertisements on the site, and the character and context of the immediate area, I conclude that the proposed advertisements would not have an adverse effect on the amenity of the appeal

site or its surroundings. The proposal would therefore not conflict with the Framework. Nor would it conflict with Policies D8, D9 or EP19 of the Wolverhampton Unitary Development Plan or Policy ENV3 of the Black Country Core Strategy which, amongst other things, require high quality design and that proposals make a positive contribution to the appearance of an area, and state that advertisements will not be permitted where they would have a harmful effect on the appearance of an area by reason of visual clutter or overdominance in the street scene. I have had regard to those policies, as further material considerations.

Other Matters

13. The Council's reason for refusal refers only to the effects of the proposed advertisements on the appearance of the surrounding area. It does not refer to any objections on the grounds of public safety, and the Council has ticked the box on the questionnaire to confirm that public safety is not one of its grounds for refusal. The Council has provided a copy of comments from its highway officer in 2017, objecting to the proposed digital LED display. However, those appear to have related to the application which formed the subject of the previous appeal and, in granting consent for the digital LED display in that case, the previous Inspector found that it would not harm highway or pedestrian safety.
14. On that basis, and in the absence of any substantive evidence from the Council to suggest otherwise, I have no reason to conclude that the retention of three of the existing displays alongside that consented digital LED display would have adverse implications for highway, pedestrian or public safety.

Conditions

15. In addition to the five standard conditions set out in the Regulations, I attach conditions restricting the level of illumination of the advertisements, and requiring the two existing advertisements closest to the junction to be removed, in the interests of amenity. As the previously-approved digital LED display also forms part of the current proposal, I also attach conditions preventing the display of moving images and restricting the frequency and duration of changes between images on the digital LED display, and requiring it to default to a blank screen in the event of a malfunction or error, in the interests of highway safety.

Conclusion

16. For the reasons given, and having regard to all matters raised, the appeal is allowed.

Jillian Rann

INSPECTOR

Schedule of Conditions

- 1) The intensity of the illumination of the 48-sheet digital display and of each of the three 48-sheet externally illuminated displays shall be no greater than 600 candela/sqm during the daytime and 300 candela/sqm at night.
- 2) The 48-sheet digital display shall not be first brought into use until the two existing 48-sheet externally illuminated displays closest to Parkfield Road have been removed in their entirety, in accordance with the details on the Proposed East Elevation on Elevations – Existing and Proposed drawing reference T4456 A4 060.
- 3) With regard to the 48 sheet digital display:
 - a) the minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the display shall not include features or equipment which would allow interactive messages/advertisements to be displayed;
 - b) the display shall not display any moving, or apparently moving, images or special effects (including, but not limited to, noise, smell, smoke, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time;
 - c) the interval between the display of each advertisement shall be 0.1 seconds or less, and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement;
 - d) the display panel shall at all times maintain a mechanism to freeze the image or turn the screen off (ie display a blank screen) in the event that the display experiences a malfunction or error.