
Appeal Decision

Site visit made on 3 December 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/V4630/Z/19/3237059

Land at 172 Wolverhampton Road, Walsall WS2 8RQ

- 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 Walsall Metropolitan Borough Council.
 - The application Ref 19/0800, dated 18 June 2019, was refused by notice dated 13 August 2019.
 - The advertisement proposed is the replacement of an existing 48-sheet advertisement display with a 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address of the appeal site has been identified as land at 172 Wolverhampton Road on both the planning application form and the appeal form. However, on the Council's decision notice the address is stated as land adjacent 170 and 170a. I have used the address from the original application form and appeal form in the above heading.

Main Issues

3. The main issues are the effect of the proposed advertisement on:
 - The character and appearance of the area;
 - The living conditions of nearby occupiers; and
 - Highway safety.

Reasons

Character and Appearance

4. The appeal site comprises the side elevation of No 172 Wolverhampton Road and currently hosts a 48-sheet advertisement display set towards the road. The area is characterised by a mix of uses including residential properties and commercial premises. The proposal would replace the existing advertisement display with a 48-sheet digital display. The proposed display would feature digital images which would change on a regular basis.

5. The appeal site is reasonably prominent as a result of the host building being set forward adjacent to the public highway. A car park area to the side of the building highlights this prominence. Although replacing an existing display of the same size and positioning, the introduction of a digital display with changing images would appear intrusive and incongruous within the immediate surroundings in comparison to the existing static, paper display.
6. I note the proposed illumination levels and frequency of movement and image transition. However, as a result of the proposed siting of the display and the forward projection of the host building, I find that the proposed display would have a detrimental impact on the character and appearance of the area.
7. Consequently, the proposed advertisement display would fail to comply with the requirements of paragraph 132 of the National Planning Policy Framework (2019) (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited. I have also taken into account Saved Policies GP2, ENV32 and ENV36 of the Walsall Unitary Development Plan 2005 (UDP) which collectively state that poorly designed development will not be permitted and that poster hoardings will not be permitted where they have a detrimental effect on either the amenity of an area and its residents or public safety, amongst other things, and so are material to the case.

Living Conditions

8. The proposed advertisement panel would face towards a row of residential properties. The side elevation of No 174 would be close to the advertisement and in addition, as a result of the set back of the dwelling, it would also be partly visible from the front windows, albeit at an angle.
9. No 174 has a first-floor window in the side elevation facing towards the advertisement. The Appellant considers that this is unlikely to serve a habitable room as a result of its size. However, I have been presented with little evidence to support this view and therefore I consider it reasonable to take a precautionary approach in this instance. As such, the advertisement would be likely to result in harmful impacts on the living conditions of adjoining occupiers from the advertisement as a result of the changing images, which I do not consider would be sufficiently mitigated by the night time luminance levels or speed of image transition.
10. The proposal would therefore fail to comply with the provisions of paragraph 132 of the Framework and Policy ENV36 of the UDP.

Highway Safety

11. No 172 is set adjacent to the public footpath. The dual carriageway of Wolverhampton Road runs directly by the building and the siting of the building results in an advertisement display which would be highly prominent for motorists travelling eastwards.
12. The height of the proposed display would be within the line of sight for approaching motorists and the addition of digital illumination and changing images would result in the potential for distraction for drivers using this part of the road as they approach the traffic lights and pedestrian crossing. I note the presence of street lighting, the straight and level nature of the road, the proposed illumination levels and the speed of transition between images,

however I find that these would not collectively mitigate the potential for driver distraction and resultant highway safety concerns.

13. As a result, the proposal would fail to accord with the provisions of paragraph 132 of the Framework and Policies ENV36 of the UDP and T4 of Walsall's Site Allocation Document 2019 which require works within proximity to the strategic road network to consider the implications on road safety.

Conclusion

14. For the reasons given above, and having regard to all matters raised including the illumination comparison, I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety and accordingly the appeal should be dismissed.

R Norman

INSPECTOR