



Appeal Decision

Site visit made on 3 February 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2020

Appeal Ref: APP/W4705/Z/19/3241036

The Picture Palace, 2 Tong Street, Bradford BD4 9LT

- 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 Clear Channel UK against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/03229/ADV, dated 25 July 2019, was refused by notice dated 23 September 2019.
 - The advertisement proposed is described as "upgrade of existing 96 sheet advert to support digital poster".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address from the appeal form for clarity and brevity.
3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Council has not expressed concern regarding public safety. Therefore, I have considered the proposal on the basis of amenity, which on the facts of this case turns on its effect on the visual amenity of the area.

Main Issue

5. In light of the above, the main issue is the effect of the advertisement on the visual amenity of the area, having regard to the effect on a listed building at the appeal site.

Reasons

6. The Picture Palace is a Grade II listed building within an area that has a mixed commercial and residential character. The listing description describes the building as one of the earliest surviving purpose-built cinema buildings in the country. It has a 'striking and exuberant Edwardian Baroque façade' incorporating stylish faience dressings and gold stylised relief lettering with 'Picture Palace' and the date '1912'. The side elevations are less exuberant, but the faience plinth, cornice and shaped parapet continue around the frontage's curved corners to a full height pilaster supported by faience panels. The

advertisement hoarding/billboard that is present on the south-east side elevation is noted as not of special interest. On the basis of the evidence before me and my own observations, the building is of high historic and architectural value and thus of high significance. Therefore, whilst the appeal site is not within a conservation area, it is a sensitive location.

7. The Regulations¹ advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, which would encompass listed buildings. Therefore, the effect on a listed building is a relevant factor to the consideration of the effect on 'amenity'.
8. The proposed advertisement would be positioned near the corner on the south-east elevation of the appeal building. It would be an internally illuminated LED display showing sequential static images every ten seconds.
9. The appeal building is next to a busy and straight section of dual carriageway (A650). The advertisement would be clearly visible for a considerable distance when travelling from the south on the A650. Owing to its substantial scale, position and method of illumination, the advertisement would have a dominant and intrusive impact when viewed from this direction.
10. Moreover, whilst the advertisement would be seen against the side elevation of the appeal building, it would also be seen in the context of the façade. Although 50% smaller than the existing poster hoarding, the illuminated LED technology with its sequential imagery would be an overtly contemporary element on the listed building. It would also appear large and discordant in juxtaposition with the front elevation of the building and interfere with and distract from the architectural detailing on the corner of the building. Consequently, the advertisement would be a visually obtrusive and incongruous modern feature that would compete with and detract from the historic and architectural quality of the appeal building. I am not persuaded that the adverse visual effects could be mitigated by controlling the brightness of illumination.
11. The appellant considers that the site is an established location for an advertisement of the type and scale proposed due to the length of time the existing poster hoarding has been displayed. However, no substantive evidence has been placed before me to support this claim and in any case, the proposed advertisement is materially different. The proposal would also require separate listed building consent. I acknowledge the presence of other advertisements on the building, but there is no substantive evidence that they are lawful, and they do not set any precedent for the appeal scheme. In any event, I have considered the appeal proposal on its own individual merits and found harm for the reasons above.
12. The appellant also put forward a number of benefits, including use of sustainable energy, reduction in the number of vehicle trips to the site, opportunities to advertise charitable campaigns, public art and emergency messages, as well as an increase in business rates. However, my assessment of the appeal scheme is only in the interests of amenity and therefore such matters do not alter or outweigh my findings.

¹ Regulation 3(2) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

13. For the collective reasons outlined above, I conclude that the advertisement would cause significant harm to the amenity of the area, having particular regard to the effect on the listed building at the appeal site. It would therefore conflict with the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed. It would also be contrary to Policies DS1, DS3 and EN3 of the Bradford Core Strategy Development Plan Document 2017, in so far as their requirements to respect heritage and achieve high quality places.

Conclusion

14. For the reasons given and having regard to all matters raised, the appeal should be dismissed.

Adrian Caines

INSPECTOR