
Appeal Decision

Site visit made on 27 January 2020 by C McDonagh BA (Hons), MA

by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

Appeal Ref: APP/X4725/Z/19/3241860

51 Weeland Road, Knottingley, WF11 8BE

- 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 Wakefield Metropolitan District Council.
 - The application Ref 19/01718/ADV, dated 25 July 2019, was refused by notice dated 1 October 2019.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
-

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 in this case is the effect of the advertisement on the visual amenity of the area.

Reasons

4. The appeal site comprises the side elevation of an end of terrace two-storey building located at the corner of Weeland Road, which is of mixed residential and commercial use, and Racca Green, which is largely commercial. The host building accommodates a commercial unit at ground floor and is located at the end of a long terrace of two-storey dwellings. A 48-sheet paper board for advertisements exists on the gable end of the appeal site and the proposal would replace this with an internally illuminated digital display of the same size. The proposed advertisement would display static images, although these would be interchangeable if required every 10 seconds.
5. The proposed advertisement board would cover most of the gable, as does the existing board, and as a result of its size, positioning and method of illumination, and in the absence of other digital advertising structures of a similar scale or appearance, would result in a highly prominent and visually obtrusive feature. While I appreciate there are other small advertisements in

the vicinity, these are generally much smaller in scale, such as shop or business signs above doors or windows.

6. While falling within best practice guidance for brightness, the board's digital illumination would result in a visually incongruous feature that would stand out from said other, more modest, advertisements in the area and dominate the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area, irrespective of its location not within a Conservation Area or close to Listed Buildings.
7. Furthermore, it is argued the current board has been in place for more than 10 years and therefore benefits from deemed consent under Class 13, Part 1, Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). However, no specific information to demonstrate this has been submitted with the appeal. Regardless, I can only assess the proposal on its own merits and its digital LED illumination would be markedly different to the existing non-illuminated board. Similarly, the lack of enforcement action taken over the existing board does not negate any harmful impacts of the proposal given an assessment under Regulation 17 is before me.
8. In conclusion the advertisement would appear as a prominent and incongruous feature that would be harmful to the visual amenity of the surrounding area. Therefore, the proposal would not accord with Policies D9 and D16 of the Wakefield Local Development Framework Development Policies Document or the National Planning Policy Framework. These seek, among other aims, to ensure advertisements are consistent with the character of the existing building in terms of scale, quality and use of materials and the quality and character of places does not suffer as a result of advertisements.

Other Matter

9. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.
10. The appellant argues benefits to the proposal in environmental terms, such as the reduction of paper manufacturing required to fill the board. Similarly, social and economic benefits are suggested, such as local event advertising or an increase in house prices, but I have no evidence of these before me. Regardless, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

Recommendation

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

C McDonagh

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.

V Lucas

INSPECTOR