



Appeal Decision

Site visit made on 9 March 2020 by C McDonagh BA (Hons), MA

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/X4725/Z/19/3241474

The Old Chapel, Dewsbury Road, Ossett WF5 9PE

- 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 19/01716/ADV, dated 25 July 2019, was refused by notice dated 26 September 2019.
 - The advertisement proposed is the upgrade of existing 48 sheet advert to support digital poster.
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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.

Procedural Matters

3. The Council has drawn my attention to the policies it considers relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.
4. In a similar vein, the Council's second reason for refusal refers to, in effect, the living conditions of local residents. While amenity is not defined exhaustively in the Regulations, Planning Practice Guidance advises that this includes aural and visual amenity. Therefore, while I have noted the Council's concerns, this matter is not determinative in my consideration of the appeal.
5. The Council state that the host building is a Building of Local Interest (BLI), and as such is a non-designated heritage asset. Few details have been supplied of the property's inclusion on the BLI list.

Main Issue

6. The main issue in this case, therefore, is the effect of the advertisement on the character and appearance of the area and the host building.

Reasons

7. The appeal site comprises the side elevation of a former chapel, which is now used as retail space. The area is of mixed residential and commercial uses. A 48-sheet paper board for advertisements exists on the gable end of the appeal building 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.
8. The Old Chapel is a fairly substantial 2 storey stone building with four gabled single storey projections to front, the central 2 being wider than the outside 2 projections, of which the left hand one houses the original entrance, set under a pediment. The north west facing gable, on which the proposal would be sited, is rendered and of mixed condition.
9. The proposed advertisement board would cover a large portion of the gable, as the existing board does. As a result of its size and method of illumination, and in the absence of other digital advertising structures of a similar scale or appearance, it would create a highly prominent and visually obtrusive feature. This is despite falling within best practice guidance for brightness as advised by the Institute of Lighting Professionals and being of the same size and positioning as the existing board.
10. While I note that the appellant states that static images only will be shown, this impact would be compounded by the intermittent changing of the illuminated display potentially every 10 seconds that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the visual amenity of the area and on the characteristics of the host building, on where it would draw the eye away from the stone façade of the property. I am also not convinced the imposition of conditions to control the level of illumination would be sufficient to mitigate this harm; the proposal would still be prominent in the street scene and while measures to turn the sign off at night would assist at those periods, during the daytime and gloomier periods of light the advert would appear very noticeable to the detriment of the surrounding area, even with sensitive lighting controls.
11. The appellant states that the current advertisement 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 Regulations. However, 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, any 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. I also appreciate there are other small advertisements in the vicinity, but these are generally much smaller in scale, such as shop or business signs above doors or windows.
12. The environmental and social benefits of the proposal over traditional advertisement sheets is brought to my attention. However, whilst I can

appreciate that over the lifetime of the proposal there may be environmental benefits these do not outweigh the environmental harm that the proposal would cause to the visual amenity in the immediate neighbourhood of the proposal, where residents and passers-by will be aware of the advertisement.

13. To conclude, the advertisement would appear as a prominent and incongruous feature that would be harmful to the character and appearance of the surrounding area and the host building. The proposal would not accord with Policies D9, D16 and D19 of the Wakefield Local Development Framework Development Policies Document (DPD) or the National Planning Policy Framework. These seek, among other aims, to ensure advertisements are consistent with the character of the existing building and BLI 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 Matters

14. 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.

Recommendation

15. 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

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Hockley

INSPECTOR