
Appeal Decision

Site visit made on 20 January 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/A0665/Z/19/3238079

Advertising Right, 69 Boughton, Chester CH3 5AF

- 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 Mr Paul Hardy of Vivid Outdoor Media against the decision of Cheshire West & Chester Council.
 - The application Ref 19/02143/ADV, dated 4 June 2019, was refused by notice dated 30 August 2019.
 - The advertisement proposed is the replacement of a 48-sheet advertising display with a 48-sheet digital advertising display unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on visual amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Boughton Canalside (Chester) Conservation Area (the CA); and
 - The effect of the proposal on public safety, with particular regard to highway safety.

Reasons

Visual amenity

3. The appeal site lies within the Boughton Canalside (Chester) Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.
4. An existing 48-sheet advertisement at the appeal site faces east towards a small retail park and the busy A51, where it can be seen by road users travelling towards Chester city centre. The stretch of Boughton nearest to the appeal site is largely commercial in nature, although there are also a number of residential properties nearby, and the wider area marks the transition between the city centre to the west and the residential suburbs to the east.
5. The building to which the appeal relates is a three storey property of traditional appearance and modest size, with an existing advertisement hoarding

occupying a substantial part of the upper side elevation. The appeal site has been in use for the display of an advertisement for some considerable time, at least 10 years and possibly more than 25 years.

6. The proposal is to replace the existing poster hoarding with a digital LED display, which would display a series of static images. The existing advertisement is not illuminated, while the proposed digital display would, of necessity, emit light continuously to create an image. The operating hours and brightness of the proposed advertisement could be controlled by conditions, which would reduce its impact particularly during the hours of darkness. However, greater illumination would be required during the day in order to ensure that the image produced could be seen. The proposed LED display would be much brighter than the existing non-illuminated advertisement, and consequently it would be a more intrusive feature in the street scene. The illumination would also emphasise the large scale of the display, and as a consequence it would dominate and overwhelm the host building in a way which the existing advertisement does not.
7. From the information before me, it appears that no discontinuance action has been taken at any point by the Council in respect of the existing advertisement and its effect on amenity. However, although the proposed digital unit would be the same size as the existing hoarding, the illumination arising from the LED display would make it a much more prominent feature in the street scene. On this basis I do not consider that it can be considered to be a 'like-for-like' replacement for the existing advertisement.
8. Other prominent signage nearby, including that for the adjacent Waitrose supermarket and Evans Cycles store, has been drawn to my attention. However, this other signage is proportionate in size and conforms in style to the buildings with which it is associated, and therefore is not comparable to the proposal before me. The appellant has also drawn my attention to other cases where existing advertising sites have been upgraded to digital screens within Conservation Areas. I have not been provided with the full details of these cases, although from the information before me I note that the Preston example relates to the replacement of an already illuminated advertisement, while the Chester example relates to a bus shelter advertisement which would therefore be smaller than the proposal in this appeal. As a result these other examples are directly comparable to this case. In any event of course, my decision relates solely to the specific details of this appeal rather than the more general point of whether digital advertising screens can be acceptable within Conservation Areas in some circumstances.
9. Because of its prominence in the street scene and the way in which it would dominate its host building, I consider that the proposed advertisement would not preserve or enhance the character and appearance of the Conservation Area, and conclude that it would have a harmful effect on amenity. In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material, although they have not by themselves been decisive. The proposal conflicts with Policies ENV5 and ENV6 of the 2015 Cheshire West and Chester Local Plan (Part One) (the CWCLP1), and Policies CH5, CH6, DM17 and DM46 of the 2019 Cheshire West and Chester Local Plan (Part Two) (the CWCLP2). Together these policies, among other things, seek to promote high quality design, to protect and enhance historic environments, and to ensure that advertisements are proportionate in

scale to their host building and enhance amenity. For the same reasons, I also conclude that the proposal conflicts with the guidance in the Framework in respect of conserving and enhancing heritage assets.

Highway safety

10. The proposed digital display, like the existing advertisement it would replace, would be adjacent to a signalised junction on the A51 where vehicles enter and leave Boughton Retail Park. The Council contends that the advertisement would be likely to distract drivers and may lead to an increase in collisions.
11. The positioning of the advertisement would mean that it would be seen by drivers approaching the traffic signals along the A51 from the east, and of course advertisements are by their nature intended to be noticed. However, the height of the advertisement above the road, the distance by which it would be set off the right hand side of the road, and the positioning of the signals are such that, on the strength of my observations at the time of my site visit, the proposed advertisement would not be likely to present a major distraction to drivers. No substantive evidence is before me to indicate either that the junction already has a significant number or degree of road accidents, or that the proposed advertisement would lead to an unacceptable impact on highway safety.
12. For these reasons, I conclude that the proposed advertisement would not be harmful to public safety. Although the development plan provisions are not decisive, there would be no conflict with Policy STRAT10 of the CWCLP1 or with Policy DM17 of the CWCLP2, which together seek to ensure that developments contribute to safer transport and that advertisements do not have an adverse impact on public safety. For the same reasons, I conclude that the proposal would not conflict with the guidance in the Framework in respect of highway safety.

Conclusion

13. I have found that the proposed advertisement would not be harmful to public safety. However, it would cause unacceptable harm to the character and appearance of the Conservation Area, and as a consequence would be detrimental to visual amenity. This harm would not be mitigated by the proposal's acceptability in terms of public safety, and the appeal is therefore dismissed.

M Cryan

Inspector