



Appeal Decision

Site visit made on 17 March 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2020

Appeal Ref: APP/A4710/Z/19/3236454

Woodside Works, Halifax Road, Elland HX5 0SH

- 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 GWR Property Co Ltd against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/10005/ADV, dated 4 April 2019, was refused by notice dated 2 August 2019.
 - The advertisement proposed is replacement of 1no. externally illuminated 6 metres by 3 metres advertisement (48 sheet) with 1no. 48 sheet internally illuminated digital display and associated logo box.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on the visual amenity of the area and on public safety.

Reasons

Visual Amenity

3. The appeal site relates to the side gable of a two-storey building. The building is situated next to other buildings which are in mainly industrial and commercial use. The site faces and sits in close proximity to the Elland Conservation Area (CA). The significance of the CA lies in its generally traditional building forms and predominant use of natural materials. Other signage in the area is generally sympathetic to the local vernacular, often being modest in scale and simple in design. The road junction with the Grade II Listed Elland Bridge, the residential uses on Park Road and the Calder and Hebble Navigation waterway with its associated tow path all have an influence on the character of the area close to the appeal site.
4. I have a statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the Listed Bridge. The National Planning Policy Framework (2018) (the Framework) requires great weight to be given to the conservation of designated heritage assets and that any harm to an asset should require clear and convincing justification. The Framework also says that the quality and character of places can suffer when advertisements are poorly sited and designed.

5. The existing advertisement on the site does not enhance the character and appearance of the area or the setting of the CA and Listed Bridge. However, even accounting for its large proportions and elevated position, the external illumination and simple poster composition means it has a relatively understated relationship with the street scene.
6. In contrast, the design of the proposed advertisement with its contemporary internally illuminated digital format and ability to change images being displayed would appear more at odds with the overriding traditional characteristics of the area. It would be prominent from several viewpoints within the CA including from the Listed Bridge, the tow path, from Park Road when travelling towards Halifax Road and from windows serving the closest residential properties. Consequently, the advertisement would neither preserve or enhance the setting of the CA or the Listed Bridge.
7. The appellant suggests that the site does not form part of a key view in the CA. They also contend that buildings next to the site are generally of a larger scale to those within the CA and that the advertisement would be appropriate within that setting. However, the position of the advertisement on the side gable of the host building, facing and in close proximity to the CA, undoubtedly results in there being a strong visual relationship between the site and the setting of the CA.
8. With regards to existing planting next to the site, this would not totally screen the advertisement in all views from the Listed Bridge nor would it effectively reduce the impact from other points within the CA including the tow path and Park Road. This would be particularly the case at times of the year when trees are not in leaf when views of the advertisement from these points would be largely uninterrupted.
9. The proposed level of illumination at night time has been reduced from 300cd/sqm to 150cd/sqm. I also note the suggested conditions to prevent the sequential advertisements from changing more than once every 10 seconds, for any such change to take no longer than a second and for no moving images to be displayed. However, it is the combination of all elements forming the contemporary illuminated digital design aligned with the scale and prominent position within the street scene which would contribute to its incongruity at this particular location. I am therefore not persuaded that the appellant's suggestions would assist in assimilating the proposal with the more traditional surrounding context.
10. To conclude, the proposal would harm the visual amenity of the area and would not preserve or enhance the setting of heritage assets. The advertisement would therefore conflict with the statutory duty under s72 and would be contrary to the provisions of paragraph 132 of the Framework.

Public Safety

11. Paragraph 67 of the Planning Policy Guidance (PPG) considers what locations advertisements are more likely to affect public safety on the roads. Amongst other things it refers to advertisements at points where drivers need to take more care including at junctions or other places where local conditions present traffic hazards. Paragraph 68 of the PPG considers the types of advertisement which may cause danger to road users and includes amongst other things those which, because of their size or siting would obstruct or confuse a road-

- users view, or would be likely to distract road-users because of their unusual nature and those externally or internally illuminated signs which are subject to frequent changes of the display.
12. The advertisement would be in a direct line of sight for drivers travelling along Park Road towards the junction with Elland Bridge. Drivers travelling in this direction and continuing straight ahead are required to give-way to traffic exiting Elland Bridge which has priority and also need to be aware of vehicles turning right from Halifax Road on to the Bridge. Once over the junction, drivers must also be attentive of any buses pulling out from the bus stop at the radius of the junction of Halifax Road with Elland Bridge.
 13. The Council has drawn my attention to the Assessing Distraction of Vehicle drivers in Europe from Roadside Technology-based Signage (ADVERTS) document 'The safety effects of (digital) roadside advertising; an overview of the literature' (2018) and specifically the conclusion that static digital advertisements are more distracting than static non-digital ones. Particular reference is made to a finding within the document that response times to unexpected events took significantly longer when the driver passed a digital billboard compared with a traditional billboard. Whilst I have given regard to the findings of this document as a material consideration, it does not provide conclusive evidence specific to the case before me.
 14. The speed limit next to the site is 30mph and drivers would have sight of the advertisement well in advance of the junction. The evidence before me also suggests that there is a low level of recorded incidents in the vicinity of the appeal site. The ability to control the levels of illumination, the rates of advertisement sequencing and to prohibit moving images would all assist in minimising the potential for drivers to be distracted at the junction. For the same reasons, I am also satisfied that the potential for drivers to be distracted on the A629 Calderdale Way, would be minimised to an acceptable level particularly given views towards the site are more fleeting and are from a more remote elevated position. Taking these site-specific factors into account, I am not persuaded that the proposed advertisement would demonstrably increase the risk of accidents at this location.
 15. To conclude, and for the reasons given, the proposal would not result in harm to public safety in this particular instance.

Other Matter

16. The appellant's concerns in respect of the Council's processing of their application are not a matter which is material to my assessment of an appeal made under Regulation 17 of the Regulations.

Conclusion

17. I have concluded that the advertisement would not result in harm to public safety. However, there would be harm to the visual amenity of the area including the setting of heritage assets. This matter represents a significant and overriding issue which is decisive in this case.
18. Therefore, for the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR