



Appeal Decision

Unaccompanied site visit made on 20 May 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2020

Appeal Ref: APP/W4705/Z/19/3243837

**Advertising Right Adjacent to 773 to 775 Wakefield Road, Bradford
BD4 7PT**

- 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 Matt Swindles (Global) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/03755/ADV, dated 2 September 2019, was refused by notice dated 29 October 2019.
 - The advertisement proposed was originally described as 'Upgrade of 1no. 96-sheet advertisement hoarding to digital LED display.'
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Decision

1. The appeal is allowed and express consent is granted for the display of a 48-sheet digital LED display as applied for in the amended application which relates to Location & Site Plans Drawing BRD-02/001, dated 19 August 2019 and Existing & Proposed Elevations Drawing Nos BRD-002/002 Rev 1, dated 17 October 2019. The consent is for 5 years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The digital display will at all times comply with the luminance guidelines contained within 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements – 2015'. The luminance level of the digital display shall be controlled at all times by a light sensor which tracks the ambient light level throughout the day.
 - 2) The digital display shall not display any moving images, animation, video or full motion images at any time.

Preliminary Matters

2. The proposal was amended during the course of the application to reduce the size of the proposed advertisement from a 96-sheet digital display to a 48-sheet digital display, with a further drawing, BRD-002/002 Rev 01, submitted to illustrate the amended scheme. The parties have confirmed to me that the application was determined on the basis of this amended plan, and I have so considered the appeal. The description of development in my formal decision above reflects the amended proposal sought.
3. The Regulations require decisions in respect of applications to control advertisements to be made only in the interests of amenity and public safety.

This is reiterated by the National Planning Policy Framework (the Framework). In this context, the development plan policies referred to by the Council have been treated as material considerations.

4. No objection was raised by the Council in respect of public safety, and from all I have seen and read, I have no reason to conclude otherwise in this respect.

Main Issue

5. The main issue is the effect of the proposal on the amenity of the area.

Reasons

6. The Planning Practice Guidance (PPG) states that in assessing amenity, the local planning authority should always consider the local characteristics of the neighbourhood. The appeal site is located on Wakefield Road, a major, multi-lane thoroughfare leading into the centre of Bradford. Contrary to the Council's view that this is not a commercial context, I saw the immediate surroundings of the appeal site included several commercial premises of varying types located along the roadside between areas of open space and substantial, mature tree lines to some parts.
7. Equally, whilst the Council fairly describes the area to the east as primarily residential in character, and there are also some dwellings fronting the road, most are set well back from the road behind open space, or along side streets leading away from the main road where the influence of the dual carriageway is less. Ultimately, I saw commercial uses to be more prevalent along the roadside, and I found the overall character of the area is that of an urban road corridor dominated by the wide, straight dual carriageway.
8. The PPG further indicates that large poster hoardings may be permitted in an industrial or commercial area of a major city where there are large buildings and main highways and where the advertisement would not adversely affect the visual amenity of the neighbourhood. Given the site characteristics I observed, I find that the area is one where a hoarding may be acceptable where it would not adversely affect amenity.
9. I accept that large hoardings do not proliferate the surroundings, but the commercial premises along the roadside include various advertisements, mainly on the buildings themselves, and I saw a large, standalone hoarding a short distance to the north of the appeal site. Pertinently, the appeal site itself is occupied by a 96-sheet, non-illuminated billboard display. This would be replaced by a 48-sheet digital display. In effect, the proposed advertisement would be a similar height to the existing, and its roadside edge would be in the same position, but it would be only half as wide.
10. The existing billboard is substantial in scale, extending rearward of the adjacent building, but the evidence before me indicates that it has been in place for more than 10 years, and has become an established feature of the street scene. Whilst the Council suggests that it could take discontinuance action to remove it, I have no evidence that such a course of action has been initiated and I must consider the proposal on the basis of the site as it exists.
11. At half the width of the existing hoarding, the proposed advertisement would fit within the massing of the building behind and would appear less jarring by comparison, and it would not obscure the adjacent terrace to any greater

degree than the existing hoarding. Moreover, the proposal angle of display toward the road means it would not face the residential properties to the east. Overall, given the fragmented built form and varied character along what is a spacious, open road corridor, and the substantial reduction in the size of the advertisement which would be displayed at the site, it would not appear incongruous or unduly dominant in this particular street scene.

12. I am conscious that a digital display could be more conspicuous compared to other advertisements, particularly during hours of darkness. However, the road is well-illuminated by street lighting, and I note the appellant's willingness to accept a condition restricting the levels of illumination. I am satisfied that the illumination of the advert would not be intrusive in these circumstances.
13. For these reasons, I find that the proposal would not harm the amenity of the area. I have taken into account the provisions of the development plan, so far as they are material, but find no conflict with Policies DS1 and DS3 of the Core Strategy Development Plan Document (July 2017), which together require development proposals to achieve good design and high quality places which are informed by a good understanding of the site/area and its context; and are appropriate in terms of layout, scale, density, details and materials. I also find no conflict with the guidance of the Framework or the PPG.

Conditions

14. The Council has not suggested any other conditions should be imposed in addition to the standard advertising conditions. The appellant has suggested additional conditions related to control of illumination and the digital nature of the display. The PPG advises that advertisements that are illuminated, incorporate frequent changes of display or moving elements, or require close study are more likely to cause a distraction to motorists. As the advertisement would be adjacent to a main thoroughfare, conditions restricting levels of illumination and use of moving images are necessary to ensure its operation does not cause distraction to drivers and compromise highway safety.

Conclusion

15. For the reasons given, the appeal is allowed.

K Savage

INSPECTOR