



Appeal Decision

Site visit made on 29 June 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/V2004/Z/20/3248446

448 Holderness Road, Kingston Upon Hull HU9 3DS

- 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 Ben Porte, on behalf of Clear Channel UK, against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 19/01492/ADV, dated 17 December 2019, was refused by notice dated 6 February 2020.
 - The development proposed is installation of internally illuminated advert to flank wall.
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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.

Main Issue

3. The effect of the proposed advertisement on the visual amenity of the area including the setting of the nearby Holderness Road (East) Conservation Area (CA) and locally listed building.

Reasons for the Recommendation

4. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements 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 visual amenity¹.
5. The proposed advertisement would be situated on the side elevation of No. 448 Holderness Road. On my site visit, the ground floor of No. 448 appeared to be occupied by a takeaway with residential accommodation above. The site is within a designated local centre and the surrounding area is characterised by retail premises and residential properties. Retail uses and associated signage is generally small in scale, relative to the associated shopfront and largely confined to ground floor level, albeit that a small gable sign is attached to the first floor of the existing premises.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

6. Holderness Road is a busy highway and a main thoroughfare to the city centre. Buildings within the surrounding area are generally two or three-storey in height. Most of the retail premises occupy the ground floor of former dwellings with residential accommodation above. There are local examples of purpose built retail premises, such as 452-462 Holderness Road, which contrast with the prevailing pattern of Victorian buildings, albeit that the scale of such units is broadly in keeping with the height of residential buildings within the surrounding area.
7. The proposed advertisement would be adjacent to the CA, its designated boundary runs along Holderness Road, to the front of the site. From the information before me, the CA is characterised by Victorian housing, including villas and terraces. Trees within the area make a positive contribution to the CA. Some of the modern retail parades do not make a positive contribution on account of their design which does not reflect the prevailing style. The townscape is also disrupted by the open and somewhat featureless space directly next to the appeal site which is currently occupied by a car rental business.
8. The appeal building itself is one of a matching pair of three storey Victorian villas, both of which now have retail uses at ground floor level. Whilst the ground floor alterations have introduced somewhat bulky fascia signs and boxed roller shutters that are less than sympathetic to the original character of the building, the upper stories retain attractive features, including the bay windows and matching second floor windows with arched heads in the forward-facing gables. The steeply pitched roof and tall chimney stack are also typical of the Victorian period.
9. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. Although the advertisement would not obscure any windows or notable features, it would be awkwardly attached as the side elevation does not have a flush façade, therefore there would be a cavity visible from the highway. By cutting across the recess between the rear section of the building and the projecting front wing, the scale of the advertisement would not reflect the original design of the building. The side elevation of No. 448 is particularly prominent in the street scene as there is a break in buildings due to the forecourt of the car rental business. The advertisement would be mounted approximately 4.7 metres above ground floor level. Thus, when approaching the site from the south west, the advertisement would be clearly visible from the CA and would draw the eye.
11. Unlike the majority of adverts, which reflect the modest scale of associated retail premises, the large hoarding would dominate the gable of the property without having a direct correlation to the use of the associated premises. In contrast to the design of the host structure, as described above, the large

poster would appear monolithic in style and scale. Whilst Holderness Road is a busy highway it retains a mixed commercial and residential character and the scale of the advertisement would appear incongruous in that context. It would result a particularly obtrusive feature because of the openness of this section of the highway and the advertising display would result in an unsympathetic addition which would dominate the street scene.

12. The proposed advertisement would therefore have a negative impact on the visual amenity of the area. It would also cause harm on account of the effect on the setting of the CA. The proposal is directly adjacent to the boundary of the CA and would be visible from within the boundary. The introduction of a disproportionately large illuminated hoarding into an area where advertisements are generally reflective of the modest scale of small business premises would be at odds with the established pattern of development and would fail to preserve or enhance the character and appearance of the CA.
13. The harm arising would be localised and would be less than substantial, nevertheless it is of considerable importance and weight. This harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use. The appellant has not put forward any public benefits within the appeal statement. The proposal therefore would cause harm that is not justified or outweighed, as required by the Framework.
14. The proposed advertisement would also be located within the setting of a locally listed building, No. 435 Holderness Road (No. 435). In line with Paragraph 197 of the Framework, Local Planning Authorities may identify non-designated heritage assets which can include buildings identified as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
15. The Council has provided very little information about the building or the process through which it was identified as a locally listed structure. It appears as a three-storey, mock-Tudor, villa which makes a positive contribution to the street scene. The busy highway and trees to the front of No. 435 separate the two sites. The proposal would not unduly interrupt views of No. 435 or have any notable impact upon how the building is experienced because the advertisement would be located to the side of No. 448 and given the physical separation of the two sites. Consequently, the proposal would preserve the setting of the locally listed building and thus would have a neutral effect on the non-designated heritage asset.
16. For the reasons given above, I find that the proposed scheme would harm the visual amenity of the area including the setting of the nearby CA. However, it would have a neutral effect upon the locally listed building. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisements would harm the visual amenity of the area and the setting of the CA, the scheme would not meet with the aims of Policies 14, 15, 16 and 20 of the Hull Local Plan 2016 to 2032 (2017), or paragraph 132 of the Framework.

Other Matters

17. Although not included within the reasons for refusal, the Council expressed concerns in relation to the living conditions of neighbouring residents and highway safety. Based on the evidence submitted, I am not convinced that the

proposed advertisement would cause harm to the occupiers of nearby residential properties nor distract motorists. Conditions could be imposed to ensure that the intensity of illumination and the display of advertisements is appropriate for the location.

Conclusion and Recommendation

18. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR