
Appeal Decision

Site visit made on 6 July 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/N4205/Z/20/3252696
185 St Helens Road, Bolton BL3 3PS

- 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 Mrs Firoza Mohamed against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 07692/20, dated 20 January 2020, was refused by notice dated 20 March 2020.
 - The advertisement proposed is a digital sign to the side of the building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

3. There is no dispute between the parties that the proposal would not cause harm to public safety. Subject to the imposition of planning conditions, as advised by the Highway Authority, I have no reason to disagree. The main issue is therefore the effect of the proposed sign on the amenity of the area.

Reasons

4. The proposed illuminated digital advertisement would be positioned on a prominent gable elevation. Owing to its large size, it would dominate the gable elevation of the appeal building thereby causing unacceptable harm to it in design terms. This significant harm would be compounded by the fact that there would be a series of illuminated digital moving images and hence the advertisement would appear conspicuous and intrusive to passers-by on this main route.
5. Whilst I acknowledge that there are some exceptions, most of the buildings in the immediate locality have advertisements that are confined to ground floor fascia height level. This large and illuminated advertisement would, in

- contrast, be positioned at first floor gable level. Hence, it would jar when viewed against the prevailing character and appearance of the majority of other commercial buildings in the locality.
6. The appellant has referred me to examples of similar advertisements in the Bolton administrative area. However, these proposals appear to have been based on the 'replacement of 48 sheet poster displays'. There is no such existing poster display on the appeal building and, in any event, I have determined this appeal based on the existing character and appearance of the appeal building and its immediate surroundings.
 7. I do not doubt the good work that is being done by the occupier of the property with a focus, in particular, on healthy eating and sustainability. Nonetheless, this does not outweigh the very clear harm that would be caused by the proposal to the amenity of the area.
 8. The Council consider that the proposal would result in advertisement clutter in the area. However, this is a commercial area and advertisements are not an uncommon feature. I do not consider that the proposal would in itself cause harm from the point of view of cumulative advertisement clutter, but this does not alter or overcome my identified concerns which relate to the position and size of the proposed advertisement and its resultant appearance in the context of the surrounding area and the appeal building.
 9. I therefore conclude that the proposal would cause significant harm to the amenity of the area and would not accord with the amenity/design requirements of policy CG3 of Bolton's Core Strategy 2011, the Bolton General Design Principles SPD and paragraph 127(f) of the National Planning Policy Framework. The appeal should therefore be dismissed.

D Hartley

INSPECTOR