



Appeal Decision

Site visit made on 14 July 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/D4635/Z/20/3249365

Land at Wednesfield Road, Wolverhampton, WV10 0AZ

- 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 Benjamin Porte of Clear Channel UK Ltd against the decision of Wolverhampton City Council.
 - The application Ref 20/00176/ADV, dated 20 February 2020, was refused by notice dated 28 February 2020.
 - The proposal is for the installation of freestanding internally illuminated 48-sheet D-poster advertisement.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out 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 main issue in this case is the effect of the proposal on the visual amenity of the street scene.

Reasons for the Recommendation

4. The Council has drawn my attention to the policies and guidelines it considered to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of the provisions of the development plan, so far as they are material, and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive. In the case of this appeal, there are no public safety concerns.
5. The appeal site is on the south side of Wednesfield Road a main route into the city. The site is at the edge of a car park serving a retail unit and is near the top of an incline which drops away to the east. At the western end of the site is

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

a non-illuminated, traditional advertisement board. Between the appeal site and road is a brick wall with railings above. The proposal would include the erection of the advertisement behind this boundary and raised above it.

6. While the surrounding area appears to be largely commercial in nature and scale, the buildings are set back from the road forming a sense of openness and spaciousness. The proposal would form an intrusive and prominent feature incongruous with the general openness of either side of the road, therefore harming the visual amenity of the street scene. Moreover, its siting on an incline would allow greater views of the advertisement from the east, increasing its prominence. While there is some support in the PPG for advertisements in areas with large buildings and main highways, this is only where it would not adversely affect the visual amenity of the immediate surroundings. Moreover, the lack of sensitive buildings or other features, such as heritage assets, does not outweigh the harm identified.
7. The proposed advertisement would be a large digital screen which would inherently be illuminated during use. While I note the appellant's suggested conditions including limiting the brightness of the screen, and to turn it off between 00:00 and 05:00, I find these would not be sufficient to mitigate the size and scale of the display and the jarring nature of the glow during the hours of darkness when the display would still be operational. This would be especially so during the winter months where daylight hours are shorter. While I noted one nearby advertisement, this was smaller than the proposal and not illuminated. The advertisement was also parallel to the road, further reducing its visibility and prominence from the east and west.
8. In conclusion I find that the proposal would be harmful to the visual amenity of the street scene by way of its illumination, intrusive and prominent design. As a consequence, the proposal would also conflict with the high-quality design goals of Policies D9 and EP19 of the Wolverhampton Unitary Development Plan and CSP4 and ENV3 of the Black Country Core Strategy.

Conclusion and Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Kenneth Stone

INSPECTOR