
Appeal Decision

Site visit made on 21 July 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/X4725/Z/20/3249315

Unit 1, Westgate Retail and Leisure Park, Ings Road, Wakefield WF2 9SD

- 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 Knaggs against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/02734/ADV, dated 5 December 2019, was refused by notice dated 5 February 2020.
 - The advertisement proposed is described as 1x surface mount LED digital ticker.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework and the national Planning Practice Guidance all confirm that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, whilst the Council has drawn my attention to the local policies that it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.
3. The appellant's statement refers to a decision made by Sunderland City Council but all other appeal submission material relates to the correct Local Authority area and consequently I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

5. The appeal property is located within a retail and leisure park to the south of Wakefield City Centre. The retail park consists of several areas of large retail warehouse units separated by roads and interspersed with leisure uses, fast food outlets and some office uses.
6. The appeal property lies at the end of a short terrace of large retail warehouses to the north west of the retail and leisure park. It is in a relatively prominent corner location, close to the main thoroughfare through the park.

7. The appeal relates to one surface mounted LED advertisement that would be positioned at second floor level on the front elevation of the appeal property. The advertisement would measure around 2m x 6m and would feature illuminated images and text relating to the business occupying the host property. The application form indicates that the signage would be internally lit with an illuminance level of 600 cd/m² and would display intermittent images.
8. I noted during my site visit that advertisements and signage within the immediate vicinity of the appeal property are generally internally illuminated static fascia signage or advertisements. I did not see any other large advertisements with changing images or text. I acknowledge that the appellant has supplied images of two examples of LED advertisements within 1km of the appeal property. Whilst I have very limited information in relation to these advertisements or the circumstances under which they were permitted, from the information I have I can see that one appears to be located within a covered shopping centre and the other within a shopping street. Consequently, they are not directly comparable to the proposal. Nonetheless, I must consider this proposal on its own individual merits and the presence of other similar schemes does not in itself present a reason for allowing the appeal.
9. I saw during my site visit that there are several existing static fascia signs on the appeal property relating to the host proprietor, Wren Kitchens. The proposed advertisement would be positioned towards the top left side of the front elevation. Planning Practice Guidance (PPG) indicates that larger signs may be more appropriate in commercial areas and in terms of its size I accept the appellant's argument that it would occupy a relatively small proportion of the frontage. Nonetheless, I consider the cumulative effect of the existing fascia signage, advertisement and the proposed LED advert would appear visually dominant when viewed in the context of the surrounding area and would be at odds with the relatively simple static signage and displays that are characteristic of the immediate location.
10. Furthermore, the introduction of an advertisement that displays illuminated intermittent images and text at the scale that is proposed and in a very prominent location would be visually discordant and intrusive and would be harmfully dominant in the surrounding the area. The fact that the advertisement would sit within a commercial area and remote from residential properties does not overcome my concerns in this regard and I do not consider that a condition to restrict the level or hours of illuminance would overcome the harm that I have identified.
11. To conclude, the proposed advertisement would harm the visual amenity of the area and would be contrary to the design requirements of Policies D9 and D16 of the Wakefield Local Development Framework, Development Policies 2009 which state amongst other things that the display of advertisements will be resisted where they would be detrimental to the character of the surrounding area.

Other Matters

12. The appellant submits that the Council did not positively engage with them during the application process and suggests personal bias and unjustifiable prejudice. This is not something that I can address as part of a Regulation 17 appeal and should be raised with the Council in the first instance. In any event, I have identified that the proposal would result in a harmfully dominant

advertisement that would be uncharacteristic of the area and I am not persuaded, based on the evidence before me that the Council's concerns could have been overcome without significant changes to the proposal.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR