
Appeal Decision

Site visit made on 13 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/A4710/Z/20/3252624
150 Jubilee Road, Halifax HX3 9LL

- 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 Alight Media against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/10003/ADV, dated 27 February 2020, was refused by notice dated 22 April 2020.
 - The advertisement proposed is a single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on public safety and the amenity of the area.

Reasons

Public safety

3. The Planning Practice Guidance (PPG) emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
4. Paragraph 068 of the PPG outlines that the main types of advertisement which may cause danger to road users are, amongst others, those which, because of their size or siting, would confuse a road-user's view, or reduce the clarity or effectiveness of a traffic signal, and; those internally illuminated signs (incorporating either flashing or static lights) including those utilising LED technology: i) where the means of illumination is directly visible from any part of the road; ii) which, because of their colour, could be mistaken for, or confused with, traffic lights; iii) which, because of their size or brightness distract road-users or iv) which are subject to frequent changes of the display.
5. The proposed digital advertisement would display static, luminated images which could change every 10 seconds. It would be mounted on the gable elevation of a building which faces towards the northbound carriageway of the A629 which heads towards the town centre.

6. The position of the gable elevation of the building, combined with a slight bend in the road at this point means that the advertisement would be visible to drivers on approaching a signalised pedestrian crossing. It would also be highly visible to motorists turning right at the junction with Jubilee Road. Due to its size and illumination, it would be an unnecessary distraction, with the changes in images further distracting motorists and thus risking highway safety.
7. The harm to highway safety would be greater following the programmed highway works, which involve the creation of a signalised junction with Jubilee Road in close proximity to the appeal site. Although these works have not commenced, given that an order has been made for their undertaking and they are programmed to commence within the next 12 months, I have given them moderate weight in the appeal.
8. I consider that factors such as the current speed limit, lighting, road marking and a low level of recorded traffic incidents in the immediate vicinity do not justify the increase in risk to highway safety I have identified.
9. Therefore, for the reasons given above, the proposed advertisement would have a harmful effect upon public safety. It would be contrary to paragraph 132 of the National Planning Policy Framework (the Framework) which states that advertisements should be subject to control only in the interests of, amongst other things, public safety.

Character and appearance

10. The area surrounding the appeal site contains a wide range of uses, including a hotel, petrol filling station, residential properties and other commercial uses. There is also an abundance of mature trees in the surrounding area. The uses reflect the fact that it forms a main road leading to the town centre rather than being a heavily commercialised area such as a town centre.
11. The PPG gives an example that, in considering the effect on amenity of a proposed advertisement, a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.
12. Although the appeal site displays some characteristics of the latter context, I find that due to its size and siting, on a building that is angled to give long range views, the proposed advertisement would dominate the building and the immediate area. The display of illuminated digital images would be striking and prominent and would not integrate well into the street scene. For these reasons, the appeal proposal would create an incongruous and alien feature.
13. Advertisements to nearby commercial premises are not as large or dominant and although there are some 48-sheet advertisements in the wider area, I am not aware of the background of these and they do not justify allowing harmful development.
14. Therefore, for the reasons given above, the proposed advertisement would adversely affect the visual amenity of the neighbourhood of the site. It would be contrary to paragraph 132 of the Framework which states that, the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

15. The appellant has referred to a number of other advertisement consent decisions at various locations, including some within the Local Planning Authority area. Whilst there are some similarities with the appeal site and proposal, the characteristics of each site and proposal are different, particularly as two of the examples are in relation to the replacement of existing advertisements of a similar size. In any event, I have determined the appeal on its own individual merits.
16. I have considered the conditions suggested by the appellant. I consider that none of them including those relating to luminance, display time, content restriction and changing of images, would negate the harm to amenity and public safety that I have identified.

Conclusion

17. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR