



Appeal Decision

Site visit made on 18 August 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/M0655/Z/20/3251305

Advertising right on Gable Wall, 27 London Road, Warrington WA4 6SG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Robert Edward Foden of Foden Estates Ltd against the decision of Warrington Borough Council.
 - The application Ref 2019/36102, dated 12 November 2019, was refused by notice dated 26 February 2020.
 - The advertisement proposed is described as: 'Replacement of existing 1 x 48 sheet advertising hoarding with 1 x Portrait LED advertising display unit'.
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Decision

1. The appeal is allowed, and express consent is granted for the replacement of existing 1 x 48 sheet advertising hoarding with 1 x Portrait LED advertising display unit. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) No single advertisement shall be displayed for less than 10 seconds and successive images shall not be changed more frequently than once every 10 seconds.
 - 2) The transition between successive advertisements shall be 0.1 second or less.
 - 3) During the hours of darkness, the illumination level shall not exceed 300 candelas. At all other times the illumination level shall not exceed 600 candelas.
 - 4) There shall be no additional effects (including, but not limited to: audio, odours, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, at any time.
 - 5) The display shall at all times maintain a safety feature that will turn the screen off (ie shows a black screen) in the event that the display experiences a malfunction or error.

Procedural Matter

2. The Regulations require that decisions are made only in the interests of amenity and public safety. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. However, in its reasons for refusal the Council has cited Policies QE7, QE8,

SW1 of the Warrington Borough Council Local Plan Core Strategy 2014 (CS) and the Framework. I have had regard to these as a material consideration, in so far as they relate to the main issue of amenity. Accordingly, whilst I have taken account of the Council's policies as a material consideration in the determination of this appeal, they have not, in themselves, been decisive.

Main Issue

3. The Council has no objection in relation to public safety. On the details before me, and in the absence of any substantive evidence to the contrary, I have little reason to disagree with the Council's observations.
4. Therefore, the main issue of this appeal is the effect of the proposal on the visual amenity of the area, including the character and appearance of the Stockton Heath: London Road/Grappenhall Road Conservation Area and the setting of No's 12 to 20 (even) and The Church of St Thomas, all of which are Grade II Listed.

Reasons

5. The proposal seeks permission for the replacement of existing gable mounted 1 x 48 sheet advertising hoarding with 1 x 16 sheet (Portrait) LED digital advertising display unit, measuring 3 metres high x 2 metres wide, and comprising a pressed metal frame with sealed LED screen on the gable end of No 27 London Road. Due to the gable end facing a southerly direction and the relationship of No 27 with its neighbours, the proposal will only be visible to motorists and pedestrians when travelling in a northerly direction along the road.
6. The site is located within the London Road Conservation Area (the CA), which was designated in 1988. The significance of the CA is defined by its commercial character, including a mixture of shops and services extending along London Road (the road) between Victoria Square and the Manchester Ship Canal. On this section of the road, there is also some residential units and the oldest surviving buildings in the area that date from the early 19th century. At either end of the road are large buildings, which give the road some definition, including the Church of St Thomas. The frontages of the buildings lining the road are prominent, especially the shops, which vary in appearance with modern and traditional frontages. This creates the appearance of a busy high street, which contributes positively to the character of the CA.
7. Although the site is on the gable end of No 27, it is still read in conjunction with the nearby listed buildings, especially No's 12 to 20 (even), which are on the opposite side of the road to the site. However, the grounds of the Church of St Thomas are adjacent to No 12, separated only by a footpath, modest in width. Therefore, in the case of the listed buildings¹, I find that the appeal scheme affects both of their settings. No's 12 to 20 (even) comprise a row of 5no. terraced cottages dating from the early 19th century and are a simple but well preserved example of its type. The Church of St Thomas was built in 1868 by E G Paley as a successor to one built in 1838. It is constructed out of pinkish-red sandstone with graded Westmorland slates forming its roof.

¹ 12, 14, 16, 18 and 20 London Road (1139344) 23 December 1983; and, Church of St Thomas (1135939) 23 December 1983

8. In terms of the approach set out in paragraph 193 of the Framework, 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. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
9. In this instance I recognise that the existing display is not illuminated and although it is located within a commercial area with a variety of signage present, both illuminated and non-illuminated, there are no other digital displays in the vicinity of the site or prominent within the CA. In this respect I find that the scheme would cause some harm to the visual appearance of the area due to its modern appearance and illuminated LED display. However, I acknowledge that the appeal scheme would be significantly smaller in size than the existing display, relating much better to the host building and enhancing the appearance of the gable end at No 27.
10. Thus, although the scheme would introduce an illuminated digital display to the CA, I find that on balance, the overall reduction in the size of display would provide significant visual benefits to the CA to outweigh the introduction of the digital display. Additionally, I consider that matters surrounding the illumination of the scheme and the method on how it displays its images could be controlled through the imposition of suitably worded planning conditions to ensure that the potential harm is mitigated. Overall, I consider that the scheme would preserve and enhance the CA and the setting of the listed buildings. In any event, even if I found 'less than substantial harm' resulting from the scheme through the introduction of the digital display, I consider that the notable reduction in size of the scheme when compared against the existing hoarding would amount to significant public benefits to outweigh such harm.
11. Both main parties have referred to an appeal decision² for a scheme at No's 54-56 London Road. Whilst noting the comments from the Inspector, relatively little detail has been provided regarding the particular planning background to this scheme. Without such information a full and detailed comparison between this scheme and the case before me cannot be drawn, except insofar as I was able to observe and assess the site at my visit. In any event, I note that the scheme before this Inspector was for a much larger digital display that was going to be sited in proximity of the adjacent designated heritage asset. Therefore, I conclude that there are significant differences between the scheme at No's 54-56 and the scheme before me. Accordingly, I find little within this scheme that would lead me to alter my conclusions in this case.
12. On balance, I consider that the proposed scheme would have a neutral effect on the significance of the CA and the setting of the listed buildings. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a designated conservation area. Section 66 (1) of the Act requires special regard to be paid to the desirability of preserving listed buildings or their setting. I consider the scheme accords with both of these duties.

² APP/M0655/Z/19/3241743

13. In conclusion, I therefore find that the Portrait LED advertising display unit would not significantly harm amenity to a degree that would justify withholding permission. Additionally, I find that the scheme would not harm the significance of the CA and it would preserve the setting of the listed buildings. Accordingly, it would comply with the design and heritage aims of CS Policies QE7, QE8, SW1 and the scheme would not cause harm to the significance of the designated heritage assets for the purposes of the Framework.

Conditions

14. In addition to the five standard conditions set out in the Regulations, the Council has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the PPG, revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point but have attached conditions more consistent in their necessity and form with the relevant advice.
15. I note the additional conditions specified by the Council relate to the proposed level of illumination, and the nature of the advertisement. Therefore, in the interests of amenity, the CA and the listed buildings, I consider it reasonable and necessary to impose conditions to that effect and broadly along the lines proposed.

Conclusion

16. In summary, the proposed scheme would not have a detrimental effect on the amenity of the appeal site and the surrounding area, and the significance of the heritage asset's would be conserved.
17. Taking all matters into consideration, I conclude that the appeal should be allowed.

W Johnson

INSPECTOR