



Appeal Decision

Site visit made on 21 August 2020 by C McDonagh BA (Hons) MA MRTPI

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/Z4718/Z/20/3254101

476-480 Manchester Road (A62), Huddersfield HD4 5BP

- 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 Richard Page of Insite Poster Properties against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/64/90481/W, dated 7 February 2020, was refused by notice dated 12 May 2020.
 - The advertisement proposed is the erection of 48-sheet digital advertising display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development in the banner heading above reflects the description used by the Council in their decision notice. This more concisely describes the development than that description given in the application form. I have therefore proceeded with the appeal on this basis.
4. The Council has drawn my attention to Policy LP25 of the Kirklees Local Plan (the LP). I have taken this into account where relevant; however, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issue

5. The main issue is the effect of the proposed advert on the visual amenity of the area.

Reasons

6. The appeal site is located to the side of Manchester Road (A62), which is one of the main routes into and out of Huddersfield. The area is of mixed commercial and residential use. The proposed 48-sheet sized digital advertisement display would replace the existing 96-sheet paper hoarding located at the site, which is situated between a data centre and a hand car wash. It would display static digital imagery, although these are capable of being changed every 10 seconds.
7. The existing hoarding is not illuminated, but due to its size and position on the side of a busy arterial road is visually prominent in the street scene. The proposal would replace the hoarding with a digital poster half the size. It is recognised that the reduction in size of the hoarding would reduce the size of the advertisements. This would be a benefit of the scheme.
8. However, as a result of its illumination, images on the hoarding would be brighter and sharper than those on the existing structure. The intermittent changing of the illuminated display would significantly attract attention, further accentuating its visual prominence and harmful effect on the amenity of the area. Accordingly, any benefit gained from the reduction in the size of the hoarding would be negated by the change in the appearance of the advertisement. Moreover, as a result of the change, the display would be even more dominant in the street scene than the existing. A 40-year history of advertisements in this location would not alter my assessment of this matter as the proposal is a material change in appearance over that existing.
9. My attention has been drawn to a previously refused application at the same site. While I don't have full details of this application, I am required to form my own judgement on the proposal before me and the Council's prior actions have no bearing on my decision. Regardless, as the appellant points out each case is assessed on its own merits.
10. I note the appellant's contention that the brightness of the advertisement would be controlled by sensors which would react to the levels of light during the day. However, as set out above, the board's digital illumination would be visually prominent and would stand out and dominate the street scene. The proposed conditions to ensure any displayed advertisements would not include moving visual effects and to control the level of illumination would not be sufficient to mitigate the harm I have identified due to the above reasoning.
11. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy LP25 of the LP seek to ensure advertisements respect the character of the locality. As such this is a material consideration insofar as LP25 is relevant to visual amenity.
12. In conclusion the proposal would harm the visual amenity of the area and would not accord with Policy LP25 of the LP.

Conclusion and Recommendation

13. I conclude that the display of the advertisement would be detrimental to the interests of amenity. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR