



Appeal Decision

Site visit made on 28 October 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/X4725/Z/20/3258155

15 Upper York Street, Wakefield WF1 3LQ

- 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 Graeme Hughes of Alight Media Ltd against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 20/00349/ADV, dated 12 February 2020, was refused by notice dated 30 June 2020.
 - The advertisement proposed is the installation of 1 x 48 sheet freestanding digital advertising display unit.
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Decision

1. The appeal is allowed and express consent is granted for the installation of 1 x 48 sheet freestanding digital advertising display unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹, and the following additional conditions:
 - 1) The advertisement hereby approved shall operate at an illumination level no greater than 600cd/m² during daylight hours and no greater than 300 cd/m² during the hours of darkness (dusk to dawn).
 - 2) The advertisement hereby approved shall include static images only. The interval between successive images shall be 1.0 seconds or less and the complete screen shall change. There shall be no visual effects between successive images and the display shall include a mechanism to freeze the screen in the event of a malfunction. Each image shall be displayed for at least 10 seconds. Message sequencing or interactive messages shall not be used.

Main Issue

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

Reasons

3. The appeal site is located on a busy road leading towards the City Centre. There is a mixture of property styles and uses in the surrounding area. It is a dense urban area, with the busy road providing a continual level of activity and

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

transiency. The site is located to the rear of an existing two-storey building where the proposed advertisement would overlook the busy main road. The rear elevation of the building is relatively non-descript, with the entire rear elevation comprising rendered walls and sloping roofs. The proposed advertisement would sit above an existing brick wall that separates the appeal site from the car park of the adjacent vehicle repair garage.

4. 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.
5. It is in the latter context which I find the appeal site, where the immediate area is dominated by the busy road. Taking into account the varied, including commercialised, nature of the surrounding area, where there are several other advertisements, I do not consider that it would appear incongruous or dominant in the street-scene. Although it would largely obscure the rear elevation of the building, I find that in the context of the site and the fact that the rear elevation is of little merit, this would not cause harm.
6. The area contains a number of illuminated features. Whilst the majority of these are unavoidable highway elements such as streetlights, traffic lights and lights of vehicles, there are also some illuminated advertisements to commercial premises. I find that in this context, the illumination of the proposed advertisement would not be harmfully out of character or result in visual harm.
7. I therefore conclude that the proposed advertisement would not have a harmful effect upon amenity, thus it would comply with Chapter 12 of the National Planning Policy Framework (2019).
8. I have taken the Council's identified policies into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive. The proposal would comply with the amenity requirements of Policies D9 and D16 of the Wakefield Local Development Framework (2009).

Conditions

9. In addition to the standard five conditions, it is necessary to impose a condition restricting the luminance of the sign to no more than 600cd/m² during daylight and 300cd/m² during darkness (dusk till dawn). This is in the interests of amenity. I note that the Council have requested a condition restricting the luminance to 150cd/m² during the hours of darkness, however this is not what has been applied for and I do not consider the luminance proposed to be unacceptable.
10. In the interests of public safety, it is necessary to impose a condition relating to content restriction, changing of images and display of a blank screen in the event of malfunction.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR