



Appeal Decision

Site Visit made on 1 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/C4615/Z/21/3270744

11 Wellington Road, DUDLEY, DY1 1RB

- 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 Clear Channel UK Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/0032, dated 6 January 2021, was refused by notice dated 1 March 2021
 - The advertisement proposed is Installation of internally illuminated D-Poster and ancillary vertical meadow green wall.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Amenity

3. The proposal would be located on the flank elevation of a residential building, fronting Waterloo Street. The host building is a 3-storey terrace of traditionally designed houses (some of which have been converted into flats), with bay windows to the front and garden/parking areas to the rear. The host building fronts on to Wellington Road and is located in front of the building line of nearby commercial units and its flank wall is therefore visible when travelling along Wellington Road towards its junction with Waterloo Street.
4. The area has a mixed character with commercial buildings being located close to the junction turning into residential and community uses when travelling along Wellington Road.
5. The proposal would involve a large, internally illuminated advertisement located in a prominent position on the building's side elevation and given the stated dimensions it would be elevated to a height of approximately 8.3m. Whilst on site I noticed that there are several advertisements nearby, however these are mainly located on commercial buildings or adjacent to the commercial uses that they advertise. Instead, the introduction of such a display would be at odds with the residential character of the building, adversely affecting the visual amenity of the area.

6. I accept that the site adjoins a commercial site and that the Planning Practice Guidance (PPG) indicates that, where it would not adversely affect the visual amenity of the area, advertisements may be better suited to commercial areas. However, in light of my findings I conclude that the proposal would by reason of its location, height, size and illumination, adversely affect the visual amenity of the site. As such, notwithstanding the adjacent commercial uses, the proposal would not be an example of the type of advertisement considered to be acceptable in such locations in the PPG.
7. Instead, the proposal would have a harmful effect on the amenity of the area contrary to policy D12 of the Dudley Borough Development Strategy which seeks to protect the visual amenity and character of an area. The proposal is also 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.

Public safety

8. As mentioned, the site is located at the junction of Wellington Road and Waterloo Street, and close to a main junction with the A4107. The proposal would be located on the side elevation of the host building which lies in front of the building line of nearby commercial units and is therefore visible when travelling along the road from the main junction with the A4107. At my site visit, contrary to the text on the Council's decision notice, I could see no designated pedestrian crossing areas close to the site.
9. Wellington Road is relatively straight, and the proposal would be visible for some distance when travelling from the main junction. This would provide adequate opportunity for drivers to view the advertisement and safely travel along the road, including seeing whether any pedestrians are likely to cross.
10. I am therefore satisfied that the proposal would not prejudice conditions of public highway safety and is in accordance with policy D12 of the Dudley Borough Development Strategy which seeks to maintain public and highway safety.

Other Considerations

11. I have had regard to the appellants suggested conditions, however these relate to the frequency of image change, timings, luminance and failure of the advertisement and would not overcome the harm identified in relation to the amenity of the area.

Conclusion

12. For the reasons set out above, I conclude the appeal should be dismissed.

Tamsin Law

INSPECTOR