



Appeal Decision

Site Visit made on 15 June 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2021

Appeal Ref: APP/X4725/Z/21/3271741

555 Leeds Road, Wakefield WF1 2JL

- 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 Urban and Provincial Advertising Limited against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02336/ADV, dated 12 October 2020, was refused by notice dated 28 January 2021.
 - The development proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises the south western facing elevation of a 2 storey building that is currently used as a barber shop. There is an existing non-illuminated 48-sheet advertisement display on this elevation of the host building that faces on to the car park, beer garden and side elevation of a public house. The area in the vicinity of the appeal site is a mix of commercial and residential properties. Commercial uses include shops, services and hot food takeaways. The nearest residential properties are located to the south east of the appeal site on the opposite side of Leeds Road. There are also terraced dwellings on Leeds Road to the north and south.
4. In close proximity to the appeal site are 2 large advertisement displays, at the junctions of Leeds Road with Bolus Lane and Cobham Parade. When travelling north along Leeds Road, the appeal site can be viewed in conjunction with these other advertisement displays.
5. Due to its size and location on the gable end of the building, the existing advertisement board is visually prominent within the street scene, in particular when travelling north along Leeds Road and from Ledger Lane near to its junction with Leeds Road. The size and positioning of the proposed advertisement board would be similar to the existing display. However, this size and positioning, when combined with the illuminated display and the format of displaying advertisements with changing images, would exacerbate the impact on the host building and street scene. The proposed advertisement display would therefore appear more visually obtrusive than the existing board. While I appreciate there are other advertisements in the vicinity, these are

- generally much smaller in scale, such as shop or business signs above doors and windows, or present static non-illuminated displays.
6. Given the separation distances and angle of view, I am satisfied that the occupiers of the nearby dwellings would not be affected by light spill or disturbance from the changing images to a substantial extent. The appellant has stated a willingness to accept a limit of 200cd/m² during the hours of darkness, that the signage would contain internal sensors which allow the screen to adapt to real time ambient conditions, the display would be switched off between the hours of 24:00 and 05:00 and the advertisements would change no more frequently than once every 10 seconds. However, even taking into account these mitigation measures, the size, location and digital illuminated changeable display proposed mean that the proposed advertisement board would appear as an unduly prominent and highly discordant feature in the street scene. Consequently, the proposed advertisement board would be significantly harmful to the amenity of the area.
 7. The appellant states that the existing advertisement board has been in place for over 10 years with no enforcement or discontinuance action being brought by the Council, and this indicates that the display is set within the built environment and is not causing any harm to the host property, wider street scene or amenity of the nearby residential properties. As set out above, the nature of the proposed advertisement, with the digital LED illumination and changing displays would be markedly different from the existing advertisement board. Furthermore, the lack of enforcement action against the existing advertisement board does not provide a justification for the harm that the proposal would cause.
 8. A further concern about precedent is raised by the Council in its Officer Report. However, each proposal must be considered on its own merits.
 9. I have taken into account Policies D9 and D16 of the City of Wakefield Metropolitan District Council Local Development Framework Development Policies Document 2009 which seek to protect amenity and so are a consideration in this case. Given that I have concluded that the proposed advertisement would significantly be harmful to amenity, it would conflict with these Policies. It would also conflict with paragraph 132 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

10. The appellant has identified a number of social, economic and environmental benefits of the proposed advertisement including the display of charitable campaigns, public art and emergency information, the reduction in CO₂ emissions and waste, the use of sustainable energy, a reduction in vehicle trips, an increase in business rates and an uplift in rent. Whilst these benefits may arise from the proposed advertisement, relevant considerations under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are limited to the impact on issues of amenity and public safety.
11. The appellant also states that the proposed advertisement board would result in a reduction in visual clutter on a site specific and strategic level. I have no evidence before me to support this view and consequently give this matter very limited weight.

12. The appellant's point that the advertisement display would not affect any heritage assets is not of any consequence given that I have found that the proposed display would be harmful to the amenity of the immediate surroundings.

Conclusion

13. For the above reasons, having had regard to all matters raised, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR