



Appeal Decision

Site visit made on 21 June 2021

Decision by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/X4725/Z/21/3268399

Land off Marsh Way, Wakefield WF1 4DT

Grid Reference Easting 433671, Grid Reference Northing 420779

- 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 Air Outdoor Media Limited against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02029/ADV, dated 11 September 2020, was refused by notice dated 17 December 2020.
 - The development proposed is replacement of existing hoarding sign with a digital hoarding.
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Decision

1. The appeal is allowed and express consent is granted for the display of advertisement 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 Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela/m² during hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds and the screen display shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement. The screen display shall not contain moving images, animation, intermittent, video or full motion images, or images that resemble official road signs or traffic signals. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. The light sensor shall remain operational for the lifetime of the advert.

Procedural Matters

2. I have used the address sited on the appeal form and appellant's covering letter in the heading above as this more clearly describes the site location than that provided on the application form.
3. I have used the description from the Council's decision notice in the heading above as it more accurately describes the advertisement proposed than that provided on the application form.

Main Issue

4. The effect of the proposed advertisement on the amenity of the area, having regard to the nearby residential properties.

Reasons

5. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The appeal site relates to the side elevation of a two-storey building. It is situated adjacent to Marsh Way which is a busy arterial route around the city centre. Within the surrounding area there are a mix of uses including commercial and residential buildings. Marsh Way has street lighting and a number of nearby retail units have illuminated signs.
6. The scheme seeks to replace the existing externally lit advertisement with a digital display. The new hoarding would be the same size, orientation and have a similar depth to the existing display.
7. The Council consider that the new display would significantly differ from the existing arrangement because the advertisement would be fully illuminated and likely to display brightly coloured images on rotation. As a result, they are concerned that it would adversely impact the amenity of nearby residents, especially during hours of darkness.
8. To the east of the appeal site are residential properties. The rear elevations and gardens of these properties face towards Marsh Way but do not directly face the front elevation of the display. Trees and the rear gardens of the properties provide a gap between the advertisement and rear windows of these dwellings. The advertisement would be more noticeable when the trees are not in leaf, but they would still provide a degree of screening.
9. The proposal could result in a more noticeable advertisement due to its illumination and changing images. Nonetheless, the intensity of illumination, display time and appearance of advertisements could be controlled by planning conditions to ensure that the proposal is appropriate for its location.
10. Based on the evidence submitted, I do not consider that the proposed hoarding would have an unacceptable effect upon the occupiers of the residential properties to the east given the existing externally lit advertisement, oblique angle, distance between the appeal site and these dwellings, intervening trees, street lighting and because the level of illumination and display of advertisements can be controlled by conditions.
11. There are also residential properties to the south of the appeal site. The rear windows of these properties face towards the advertisement but they are located at a greater distance than the dwellings to the east. The proposal would also not have an unacceptable effect upon the occupiers of these properties because of the distance between the advertisement and these dwellings and given the context of the surrounding area.
12. For the reasons given above, I find that the proposed advertisement would not harm the amenity of the area, having regard to the nearby residential properties. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not harm the amenity of the area, the scheme would meet with the aims of Policy D9 of the

Council's Local Development Framework Development Policies Document (2009) and paragraph 132 of the National Planning Policy Framework.

Conditions

13. I have considered the conditions suggested by the Council, including the highways department, and the appellant. The suggested conditions have been assessed in light of guidance found in the PPG and where necessary the wording has been amended for clarity and precision.
14. In addition to the five standard conditions set out in the Regulations, I consider a condition controlling the luminance of the advertisement is necessary in the interest of amenity. Although there are residential properties nearby, I consider that a luminance level no greater than 300cd/m² would be reasonable in the context of the surrounding area and comply with the 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' by the Institution of Lighting Professionals. I do not consider that a lower luminance level has been robustly justified by the Council.
15. In the interest of public safety and amenity, I have also imposed a condition controlling the display of advertisements.
16. The Council's suggested condition relating to approved plans is not necessary given that the decision grants express consent for the display of advertisement as applied for, not planning permission. Furthermore, the additional condition recommended by the highways department refers to transport infrastructure which is not relevant to the appeal site and therefore this condition is not necessary.

Conclusion

17. For the reasons given above the appeal should be allowed.

L M Wilson

INSPECTOR