



Appeal Decision

Site Visit made on 26 July 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2021

Appeal Ref: APP/A4710/Z/21/3273671

5 Halifax Road, Halifax HX3 8EN

- 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 Wildstone Group Global against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/10004/ADV, dated 22 December 2020, was refused by notice dated 18 March 2021.
 - The advertisement proposed is described on the application form as the 'upgrade of existing 48 sheet advert to support digital poster'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name on the planning application form is given as care of the agent 'Wildstone Group Limited'. However, the appeal form states that the name of the appellant is care of the agent 'Wildstone Group Global'. This company shares the same address as the previously given appellant. On this basis, I am satisfied that the appellant is as specified on the appeal form.
3. The Council's decision notice refers to the refusal of planning permission. However, the application was for consent to display an advertisement and the appeal form confirms that the appeal is against the refusal of consent for an advertisement. I have dealt with the appeal on the same basis.
4. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.
5. In accordance with the Regulations¹, and the Planning Practice Guidance (PPG), I have considered solely matters of amenity and public safety.

Main Issue

6. The Council does not object to the effects of the proposal on road safety or otherwise as regards safety more broadly, and there is nothing to lead me to a different conclusion in that respect based on the evidence before me. The main issue is therefore the effect of the proposed advertisement on the visual amenity of the area.

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

Reasons

7. The existing 48 sheet hoarding on the appeal site is located on the western gable end of the building on the corner of Halifax Road and Barfield Road close to the busy signalised junction of the A58 and the A644. The surrounding area is of mixed residential and commercial use and its character is partly derived from the traditional stone terraced properties, some of which are in commercial use at ground floor level. There are a variety of other advertisements within close proximity of the site, including fascia signs to shop fronts and road signs, together with items of street furniture, such as streetlighting and traffic lights.
8. The existing sign is slightly offset from Halifax Road. However, due to its size and position the existing display is clearly visible on travelling east along Halifax Road, from Barfield Road and Thompson Close. The Council confirm that the existing display has been in place for over ten years and it is clearly an established part of the street scene. The proposal would be to replace this with an illuminated digital display which would display static images that would be capable of changing every ten seconds. The maximum brightness of the proposed advertisement would be within the guidelines set by the Institute of Lighting Professionals Technical Note 5 and would be controlled by light sensors to vary the brightness of the screen according to the conditions. Its maximum luminance would not exceed 300cd/sqm at night.
9. The existing sign is non-illuminated which reduces its prominence in the street scene. Although the proposed sign would of very similar size and in the same position on the building as the existing, the proposed LED display with images changing at regular intervals would render the proposal much more prominent, particularly during the hours of darkness.
10. I acknowledge that the area is already well lit by streetlighting and that there are other illuminated signs within close proximity of the site, including to the shop front of the appeal building. However, nearby signs are of more modest scale and lower in height than the appeal proposal. The scale and method of illumination proposed would be more eye catching. Viewed within the context of the area, including the traditional terraced properties, I consider that the proposal would be a discordant and intrusive feature in the street scene. The appellant states that the existing advertisement benefits from deemed consent². However, even if that is the case, I have found that the appeal proposal would be a much more striking feature than the existing sign and would be significantly more harmful to the visual amenity of the area.
11. I have considered the appellant's suggested conditions, including controls on the maximum luminance of the sign and frequency of changes between adverts. However, these would not sufficiently mitigate the harm that I have identified. Limiting the degree of illumination between 12 midnight and 6am means that the proposal would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
12. I therefore conclude that the proposed advertisement would have an unacceptable effect on the visual amenity of the area. Accordingly, the proposal would be contrary to paragraph 136 (previously paragraph 132) of the

² By virtue of Schedule 3, Part 1, Class 13 of the Regulations.

Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other matters

13. I have had regard to the appellant's statement of case which outlines the benefits of the scheme. However, the relevant considerations under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are limited to issues of amenity and public safety.

Conclusion

14. For the above reasons, and having taken all other relevant matters into consideration, I conclude that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR