



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/X4725/Z/21/3274109

18 Methley Road, Castleford WF10 1LX

- 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 against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02334/ADV, dated 7 October 2020, was refused by notice dated 5 March 2021.
 - The advertisement proposed is described on the application form as the 'upgrade of existing 48 sheet advert to support digital poster'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). Since the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and as such their cases would not be prejudiced, I have not consulted the main parties on the revised Framework. I have referred to the 2021 iteration of the Framework in my findings.
3. In accordance with the Regulations¹, and the Planning Practice Guidance, I have considered solely matters of amenity and public safety.

Main Issue

4. 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, taking into account the nature of the proposal, the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The appeal site is located on the southern side of Methley Road and is currently occupied by a freestanding 48 sheet paper advertisement board. The site is adjacent to 18 Methley Road, which was formerly a public house and is now in residential and commercial use. Although there are some nearby residential properties, the surrounding area is predominantly commercial in character and includes several large industrial buildings.

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

6. The existing advertisement is an established feature of the street scene. Though visible on travelling east along Methley Road, due to the lack of illumination the existing display has an understated appearance which does not significantly detract from the character and appearance of the area. The appeal proposal is for the replacement of the existing display with an internally illuminated digital poster which would display static images that would be capable of changing every ten seconds.
7. Whilst the maximum brightness of the advertisement would be within the guidelines set by the Institute of Lighting Professionals² and be of the same dimensions and in the same position as the existing display, the proposed LED display with images changing at regular intervals would be a more eye-catching feature and would be unduly prominent in the street scene. This would particularly apparent during the hours of darkness. Although there are a variety of business signs in the surrounding area, these are generally much smaller than the proposal and relate to the use of the premises on which they are sited. There are streetlights along both sides of the road which suggests that the area is relatively well lit at night, but there were no other comparable illuminated advertisements visible in the area.
8. There is no dispute between the main parties that the existing advertisement benefits from deemed consent³. Be that as it may, I find that the appeal proposal would be a much more striking feature than the existing sign and would be significantly more harmful to the amenity of the area as a result.
9. 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. Switching off the illumination between 12 midnight and 5am 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.
10. As with the existing display, the proposal would be situated within close proximity of No 18. That property does not have any windows to the side elevation closest to the proposal. However, it does contain an entrance door and a number of habitable room windows to the front elevation. Due to the orientation of the proposed sign, the habitable room windows would be likely to have only oblique views towards the display which I consider would not be harmful.
11. I conclude that the proposed advertisement would have an unacceptable effect on the visual amenity of the area, contrary to the Regulations. Accordingly, the proposal would also conflict with Policies D9 and D16 of the Local Development Framework Development Policies Document 2009, which, amongst other things, state that advertisements should respect the character of the area. It would also be contrary to paragraph 136 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

² Professional Lighting Guide (PLG 05); Brightness of Illuminated Advertisements (January 2015).

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

Other Matters

12. I have had regard to the appellant's statement of case which outlines the benefits of the scheme, including the environmental advantages of digital advertisements over paper and paste displays. However, the relevant considerations under the Regulations are limited to issues of amenity and public safety.
13. I have no compelling evidence before me to demonstrate that the proposal would reduce the number of advertised sites required across the country or reduce clutter on a strategic level. I therefore afford little weight to this consideration.

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