



Appeal Decision

Site visit made on 25 October 2021

Decision by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/V2004/Z/21/3278077

252 Anlaby Road, Kingston Upon Hull HU3 2RS

- 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 against the decision of Kingston Upon Hull City Council.
 - The application Ref 21/00381/ADV, dated 5 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is described as upgrade and re-siting of existing gable wall 48 sheet advertisement to a freestanding digital 48 sheet format.
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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 surrounding area, including whether it would preserve the setting and preserve or enhance the character or appearance of the nearby heritage assets; and
 - Public safety.

Reasons

Amenity

3. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.
4. The advertisement display would be located adjacent to the junction of Anlaby Road and Arnold Street. Anlaby Road is a busy arterial road. The area is characterised by primarily commercial buildings and residential properties. The display would be freestanding and sited forward of the front elevation of the bus depot. I observed on my site visit that the number of advertisements in the immediate vicinity was extremely limited, and in the wider area there were advertisements associated with the retail units and therefore small in scale.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

5. The main parties state that an advertisement already exists on the gable wall of the bus depot. However, on my site visit I noted that the advertisement had been removed. I recognise that advertisement consent has been approved to replace the previous advertisement with a digital display². The appellant highlights that the proposed relocation of the advertisement will be more visible to oncoming traffic and therefore viable for investment. I also noted on my site visit that the advertisement on the opposite side of Anlaby Road³ had been removed.
6. The appeal site is located within the setting of two Grade II listed buildings (252 Anlaby Road and 254-260 Anlaby Road). The Coltman Street Conservation Area and a locally listed building (the former Eagle Public House) are on the opposite side of Anlaby Road.
7. The listed buildings make a positive contribution to the character of the area. No 252 is a two-storey building with rooms in the attic constructed of brick with ashlar dressings, bargeboards, sash windows and a triangular oriel window supported by a granite column. Nos 254–260 are two-storey buildings with rooms in the attic and were originally two pairs of houses constructed of brick with ashlar dressing, sash windows and bay windows.
8. The proposal would not create advertisement clutter due to the limited number of advertisements within the surrounding area. Nonetheless, the display would be significantly more noticeable than the previous and approved advertisements because of its siting forward of the building line. In addition, the display would have a greater visual connection with the listed buildings than the previous and approved advertisements due to its siting. The scheme would result an incongruous addition to the street scene due to its siting and size. Thus, it would introduce a visually intrusive and dominant form of advertising.
9. I note that conditions relating to illuminance and the display of advertisements could be imposed. Nonetheless, the advert would be a prominent freestanding feature and I am not satisfied that conditions would adequately overcome the harm.
10. For these reasons, the proposal would have an adverse effect upon the setting of the nearby listed buildings. This is because it would detract from the ability to appreciate the listed buildings as it would detract and draw undue attention from the architectural merits of the heritage assets. Accordingly, the scheme would fail to preserve the setting of the adjacent listed buildings.
11. The scheme would have a neutral impact upon the setting and would preserve the character and appearance of the nearby conservation area and the locally listed building. This is because the advertisement would not unduly interrupt views of these heritage assets and given the intervening highway.
12. Paragraph 199 of the National Planning Policy Framework (the 'Framework') states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

² LPA Reference: 17/01251/ADV)

³ Figure 3 of the Grounds of Appeal

Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

13. Given the character of the area, including the intervening bus depot, and distance between the appeal site and the listed buildings, the level of harm would be less than substantial, nevertheless it is of considerable importance and weight. I have had regard to the benefits of the scheme⁴ including that it incorporates a vertical meadow and the associated biodiversity net gain and improvement of local air quality, reduction in vehicle trips and supporting local businesses.
14. Based on the evidence submitted, the public benefits associated with the proposal would be extremely limited and would not justify or outweigh the harm to the listed buildings that I have identified, as required by the Framework.
15. For the reasons given above, the proposal would harm the amenity of the area and would have a harmful effect upon the setting of the nearby listed buildings. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would cause visual harm to the street scene, the scheme would not meet with the aims of Policy 20 of the Hull Local Plan 2016 to 2032 (2017) (LP), the Council's Advertisement Design Guide: Supplementary Planning Document 8 (2019) and paragraph 136 of the Framework.

Public Safety

16. The PPG states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline⁵.
17. The proposed display sits closer to the junction of Arnold Lane and Anlaby Road than the previous or approved advertisements. There is a pedestrian crossing nearby which on my site visit I observed was well used.
18. The proposed advertisement would be more noticeable than the previous and approved advertisement. However, having regard to the Highway Safety Report, I do not consider that its siting would distract drivers or pedestrians or harmfully restrict visibility. This is due to the speed limit, relatively straight alignment of Anlaby Road, the scheme would not conflict with traffic signals or traffic signs, previous and approved advertisements and subject to appropriate conditions. In addition, this section of Anlaby Road, and the junction, has a wide pavement and there is a reasonable separation distance between the

⁴ Paragraph 3.6 of the appellant's Grounds of Appeal

⁵ Paragraph: 067 Reference ID: 18b-067-20140306

pedestrian traffic signals and the appeal site. Accordingly, the scheme would not impede on the safe movement of vehicles and pedestrians.

19. For the reasons given above, based on the evidence submitted, I find that the proposed display would not have an unacceptable impact upon public safety. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not have an unacceptable impact upon highway safety, in this regard, the scheme would meet with the aims of Policy 20 of the LP.

Other Matters

20. The appellant highlights that the proposals map indicates that the site opposite will eventually be developed for housing. However, this consideration would not outweigh the harm identified above.
21. The appellant, including within the Highway Safety Report, has referred to similar applications and appeals granted consent. The context of the appeal site, including the location of the previous advertisement and heritage assets, differ to those advertisements granted consent. Consequently, the circumstances applied in those cases cannot be directly compared to the proposal before me.

Conclusion

22. Although I have found that the advertisement would not have an unacceptable impact on public safety, it would harm the amenity of the area and would have a harmful effect upon the setting of the nearby listed buildings to which I attach significant weight. For the reasons given above the appeal is dismissed.

L M Wilson

INSPECTOR