



Appeal Decision

Site Visit made on 9 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26th November 2021

Appeal Ref: APP/R2330/Z/21/3275375

R/O 75 Whalley Road, Accrington, Lancashire BB5 1AS

- 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 Mr F Mahmood of Premier Vue against the decision of Hyndburn Borough Council.
 - The application Ref 11/21/0107, dated 4 March 2021, was refused by notice dated 11 May 2021.
 - The advertisement proposed is erection of a wall-mounted 48 sheet digital poster measuring 6m x3m for the display of static poster images (led lighting).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant to the appeal, these have not been decisive in my determination of this appeal.

Main Issue

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

Reasons

4. The appeal site is the blank large side elevation of The Castle Public House, which is prominently located next to the junction of Eastgate and Whalley Road. Eastgate is a dual carriageway with a mixed character and appearance, including large commercial buildings. However, the closest buildings to the appeal site are set back from the road and the built environment is softened and integrated by green space and mature trees. The visual context for the proposal is the verdant and traditional townscape, including terraces, along Whalley Road and around the road junction.
5. The advertisement would be nearly 3m above ground level. The modest traditional non-illuminated public house signage would be moved to the top of the coursed rubble stonework wall, where it would struggle to compete visually with the overly large and dominant proposal. The proposed LED technology with static yet sequential imagery would be overtly modern. By virtue of its size, siting and design, the advertisement would be conspicuous on the approach to the junction. It would be visually obtrusive and it would not be

sympathetic to the host building or the unassuming traditional and verdant surrounding built environment. It would be out of keeping with, and it would not be assimilated by, the low key and unobtrusive signage elsewhere in the area. Consequently, the proposal would be discordant and incongruous and it would detract from the sense of place and local distinctiveness of the area.

6. For these reasons, I conclude that the appeal advertisement would harm visual amenity. Although not determinative, I have taken into account the policies listed in the Council's reasons for refusal, including Policies Env6 and Env7 of Hyndburn Borough Council Core Strategy Adopted January 2012, Policies DM27 and GN4 of Hyndburn Borough Council Development Management DPD Adopted January 2018, and Policies ATC9 and ATC11 of Hyndburn Borough Council Accrington Area Action Plan Adopted January 2012. These require proposals to be sympathetic and appropriate to the surrounding context including buildings, to maintain and enhance local distinctiveness including the character and quality of public spaces and the townscape, and to avoid unacceptable adverse visual impacts. Given that I have found that the advertisement would harm amenity, it would conflict with these policies.

Other Matters

7. Planning conditions could be imposed to control the illuminance and frequency of imagery, to prevent moving images, and to ensure smooth and instantaneous transition between sequential images that change no more frequently than every 10 seconds. This would not mitigate the visual harm.
8. At the time of my visit, the public house signs were the only advertisements on the side elevation. However, there had previously been a paper advertisement in this location, which the evidence suggests benefited from deemed consent because it had been displayed continually for 10 years without any express consent. Nevertheless, I cannot be certain that there has not been a material break in the display of advertisements. In any case, the photographs and plans illustrate that, by virtue of its varied siting and its display, the proposal would have a greater adverse visual impact than the former advertisement. Therefore, even if it was a valid fallback position, it would not provide a justification for a proposal that would result in greater harm to visual amenity.
9. The advertisement could be used to promote local businesses, thereby supporting economic recovery following the coronavirus pandemic. There would be a financial benefit to the public house, which was closed during the pandemic. However, it has not been demonstrated that it would make a significant contribution to the business or to the local economy.

Conclusion

10. For the reasons set out above, the proposed advertisement would harm the character and appearance of the area and it would be detrimental to amenity. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR