
Appeal Decision

Site visit made on 14 December 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2022

Appeal Ref: APP/A4710/Z/21/3281788

Land Adjacent Timeform House, Northgate, Halifax HX1 1XF

- 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 Steve Staley against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/10009/ADV, dated 19 February 2021, was refused by notice dated 12 July 2021.
 - The advertisement proposed is a freestanding 6x3m digital LED advertising unit within a timber screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to Policies BE15 and BE18 of the Replacement Calderdale Unitary Development Plan (adopted August 2006) (UDP) which it considers to be relevant to this appeal. I have taken these into account where relevant; however, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issue

3. The main issue is the effect of the proposed advert on the visual amenity of the area, including the setting of nearby heritage assets.

Reasons

4. The proposed advert would be positioned to the north of Timeform House, which is located at the corner of Northgate and Winding Road in a commercial area. The advert would be fixed within a metal frame attached to a freestanding timber screen. The appeal site is located within the setting of the Halifax Town Centre Conservation Area (CA) and several Grade II Listed Buildings.

5. Timeform House is prominent in the locality. As such, the proposed advertisement would be highly visible given its elevated position covering part of the gable end of the building. While falling within best practice guidance for brightness, the board's digital illumination would result in a visually incongruous feature that would stand out from other advertisements in the area. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence. The partial demolition of the building has caused the gable to appear somewhat untidy in the context of the immediate area, although I disagree that the advertisement would make a positive contribution to visual amenity.
6. While the area contains other signage, these are smaller in scale and/or not illuminated. They are also generally related to the use of the premises on which they are displayed. As such I do not consider these examples comparable to the proposal before me, nor does their existence justify allowing harm to the visual amenity of the area I have identified. I can only assess the proposal on its own merits.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the Listed Building and its setting.
8. *'85-105 Northgate Halifax 2-4 North Parade, Halifax'* comprises a terrace of buildings now occupied as commercial premises with a mixture of uses. Its significance lies in its architectural interest, specifically its materials and main elevation, which is described as impressive, and its historic association with local mill owners and the industrial and commercial development of Halifax more generally.
9. *'North Bridge and Drinking Fountain'* is also of architectural interest through its cast iron spans and historic association with the expansion of the town in the mid to late 19th Century. The water fountain is no longer functional and was added after construction. Although the bridge has since seen development over its span in the form of a more modern flyover, it remains an important gateway feature into the historic core of Halifax.
10. The appeal site lies outside of the CA boundary, although given the close proximity it clearly lies within its setting. I note this is not in dispute. The significance of the CA derives from its many historic buildings constructed of traditional local materials and their contribution to the historic development of Halifax.
11. Due to its size, illumination, and siting in an elevated position, the proposal would represent an incongruous and visually intrusive addition that would occupy a prominent position within the gateway views of North Bridge and in the context of the terrace of 85-105 Northgate and 2-4 North Parade and the CA. Moreover, the modern materials of the advertisement itself and would jar with the traditional stone and ironwork comprising a large part of the significance of the nearby Listed Buildings and the CA. The proposed display would therefore be harmful to the settings of the affected heritage assets.
12. In terms of the approach set out in paragraph 199 of the Framework, great weight should be given to a heritage asset's conservation. Given the above, this proposal would cause less than substantial harm to the significance of the

MCA. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

13. I acknowledge the benefits of the digital display over traditional advertisement sheets. I can appreciate that over the lifetime of the proposal there may be environmental benefits over the use of paper and paste advertisements, such as a reduced reliance on paper manufacturing. Moreover, the Framework recognises the economic benefits of Advertising in general, particularly in light of the effects of the pandemic on the economy. Alongside ease of use, maintenance and flexibility of digital over paper advertisements, these factors weigh in favour of the proposal. However, these do not outweigh the harm that the proposal would cause to the visual amenity in the area of the proposal.
14. Accordingly, I conclude that the proposed advertisement would appear as a prominent and incongruous feature that would be harmful to the amenity of the surrounding area. I have taken into account the provisions of Policies BE15 and BE18 of the UDP, so far as they are material, in accordance with the Regulations. Given that I have concluded that the proposal would be harmful to the amenity of the area, it would fail to accord with these policies. The proposal would also fail to accord with paragraph 136 of the Framework, which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

15. My attention is drawn to a planning application¹ on the same site for the demolition of buildings and erection of coffee shops or restaurants, among other things. While this was refused and dismissed at appeal², the Inspector did not find harm to the setting of heritage assets in that case. Be that as it may, that proposal was materially different to the scheme before me. Moreover, the plans submitted with this appeal relating to the aforementioned proposal do not include signage. While I don't disagree that this would likely have been a part of any subsequent development which included businesses such as coffee shops or fast-food outlets, I have nothing to compare to the proposal before me. In any event, this signage would likely have been related to the use of the premises on which they are displayed and while they may be illuminated, the content would be fixed. As such I do not consider this example comparable to the proposal before me, or justification for allowing the harm I have identified.
16. The appellants indicate that the advertisement would be a static digital display and would change after 10 seconds. Aspects such as intensity of illumination, frequency and nature of change can be controlled by condition. I have had regard to the standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. While I have carefully considered these, I do not find that they would individually or collectively overcome the harm to amenity that I have identified in this instance.

¹ 20/00181/FUL

² APP/A4710/W/20/3261625

Conclusion

17. For the reasons given above, I find that the proposed advertisement would significantly harm amenity and therefore the appeal should be dismissed.

C McDonagh

INSPECTOR