



Appeal Decision

Site visit made on 8 February 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/N4205/Z/21/3284764

Walkden's Newsagents, 111 Lea Gate, Harwood, Bolton, BL2 4BQ

- 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 Barry Walkden against the decision of Bolton Metropolitan Borough Council.
 - The application Ref: 11952/21 dated 29 July 2021, was refused by notice dated 11 August 2021.
 - The advertisement proposed is a 3m wide x 2m high digital LED display board.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant says the overall size of the proposed advertisement has been reduced from 4m wide, as originally indicated, to 3m wide. The height (2m) remains the same. I have considered the appeal on this basis.

Main Issue

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

Reasons

4. Powers under the Regulations¹ require decisions to be made only in the interests of amenity and public safety. I have taken the Council's policies into account as a material consideration, but they are not a determining factor in this case, which I have considered in the light of the *National Planning Policy Framework* (the Framework), the Government's *Planning Practice Guidance* (PPG), and the Regulations.
5. The proposal seeks to replace an existing static advertisement with an illuminated LED digital display (3m x 2m) in a similar elevated position on the gable end of the property. The advertisement would display different images (no more than 10 in any one-minute run) and would be internally illuminated with a luminance level of 3000cd/sqm.
6. The appeal property is outside but adjacent to the Bradshaw Chapel Conservation Area (CA). To the south-west, within the CA and on the opposite

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

side of Lea Gate, are the Grade II* listed Lee Gate Farm House, and a Grade II listed barn.

7. The statutory duty under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requiring decision makers to have special regard to preserving a listed building or its setting only applies to advertisement appeals made under the Regulations insofar as it relates to the consideration of amenity. Although not defined exhaustively in the Regulations, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
8. The listed buildings comprising the farmhouse and barn represent a survival of an early Georgian farming fold dating from the early 18th century when the surrounding area was predominantly rural. The appeal site is directly opposite these historic properties and forms part of their visual setting. I consider that the proposed sign would have a harmful effect on that setting by virtue of its size, prominence and method of illumination. It would be obtrusive and would detract from the traditional aspects of the setting.
9. As the advertisement would be positioned on the western gable it is acknowledged that it would not be seen when travelling from the east. However, from other directions it would be highly visible due to its positioning and internal illumination. Its size and position would be out-of-scale with the gable elevation, and it would thus be an extremely prominent, discordant and obtrusive feature in the street scene.
10. I acknowledge that there is an existing sign of similar dimensions displayed on the same gable elevation. However, this is not directly illuminated and may not benefit from express consent. In contrast the proposed sign would be materially different, and the LED lighting and changing digital displays would significantly increase the prominence of the sign and the degree of harm caused to the amenity of the area.
11. Overall, I conclude that the proposed advertisement would be a visually prominent and obtrusive feature that would cause harm to both the character and appearance of the area and the setting of the nearby listed buildings.
12. As such it would conflict with Paragraph 136 of the Framework which says the quality and character of places can suffer when advertisements are poorly sited and designed, and with Policy CG3 of the *Bolton Core Strategy Development Plan Document* which requires development to be compatible with the surrounding area and conserve and enhance the significance of heritage assets. It would also conflict with the Council's *Design Principles Supplementary Planning Document* which seeks to control the display of advertisements in the Borough. Amongst other things, it requires advertisements to respect the character of their surroundings, to be of an appropriate size, to be designed and sited sympathetically in relation to the building, and for the display not to be obtrusive when seen by passers-by.

Other Matters

13. I appreciate that this type of advertisement is commonly found throughout the UK, and whilst there are numerous other advertisements in the area (including

those on the Morrisons store and petrol station to the east), these tend to be fascia signs or advertisements directly related to the associated business premises. Therefore, I cannot draw any meaningful comparisons with the appeal proposal or infer that any kind of precedent has been set. In any event, each application and appeal falls to be considered on its own merits taking account of the very specific circumstances.

14. The appellant says the display would help to support the Harwood District Centre and would give priority to local commercial enterprises to promote their businesses. However, and even if this could be controlled/monitored, this factor does not outweigh the visual harm I have identified above.

Conclusion

15. For the reasons given above, I conclude that the display of the advertisement would be detrimental to interests of amenity, and that the appeal should fail. It would conflict with the Regulations and the relevant advice in the Framework, the PPG, and the Council's policies and guidance, insofar as they are a material consideration.

Nigel Harrison

INSPECTOR