
Appeal Decision

Site visit made on 26 January 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/A4710/Z/21/3283306

39 Burnley Road, Friendly, Sowerby Bridge HX6 2TL

- 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 against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/10024/ADV, dated 3 December 2020, was refused by notice dated 27 July 2021.
 - The advertisement proposed is described as 'replace existing advertisement sign with digital display.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the proposal from the Council's decision notice as it more accurately defines the proposed development. I have determined the appeal accordingly.

Main Issue

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), paragraph 136 of the National Planning Policy Framework (the Framework, 2021) and the Planning Practice Guidance all confirm that advertisements should be subject to control only in the interests of amenity and public safety. Both main parties agree that the proposal would not harm public safety. Accordingly, the main issue in this appeal is the effect of the proposed advertisement on the amenity of the area, including the amenity of neighbouring occupiers at 2 Daisy Mount.

Reasons

4. The appeal site lies adjacent to Burnley Road (A646), a highly trafficked route into Halifax. It forms the side elevation of a stone building currently occupied by an outdoor equipment shop. The surrounding development consists of a detached bungalow to the west, a public house and row of terraced houses opposite, while to the east is a community centre occupying a former Wesleyan Chapel.
5. An existing non-illuminated 48 sheet paper and paste billboard would be replaced with a digital display of the same size but in a slightly higher position. Although the site is located adjacent to a highly trafficked road and there are a small number of commercial premises nearby, this is nevertheless a residential

section of Burnley Road, comprising mostly small-scale terraced dwellings that front the highway. It is in this predominantly residential context that the display would be viewed.

6. Where there are other commercial premises, they tend to be limited to single units sited amongst existing dwellings. Signage generally consists of fascia advertisements and the occasional hanging sign, relating to the premises on which they are sited. Billboards are not a common feature here and the only other large advertisement is the totem display at the petrol filling station further along Burnley Road to the east. Other displays surrounding the site are not therefore directly comparable to the proposal before me. Likewise, whilst the existing billboard may have been in place for several years, the proposed digital advertisement would be materially different in character.
7. The change to a digital format with internally illuminated and changing images, would render it more conspicuous than the existing billboard. This section of Burnley Road slopes up towards the site and the visual prominence of the proposed advertisement would therefore be emphasised. By virtue of its size, scale and illumination, the display would appear as a jarring form of development within the street scene.
8. I saw from the presence of streetlights that the area is well-lit at night. Despite this well-lit context, there are no other comparable illuminated advertisements in the immediate area. The fascia sign to the public house is partially lit by external spot-lights while other advertisements within the immediate vicinity are non-illuminated. Consequently, the proposed digital advertisement would be at odds with the relatively understated scale and predominantly residential character of this part of Burnley Road.
9. The Council is concerned that the proposed advertisement would be visually intrusive to the occupiers of 2 Daisy Mount, the detached bungalow located immediately to the west of the site. Given that the dwelling is set down at a lower land level than the road, the position of the display above the eaves and roof of the dwelling would be dominant. Although not directly facing, the advertisement would be close to, and visible from habitable windows on both the northern and eastern elevations of the dwelling. The vivid and frequent changing images would be unduly intrusive to the occupiers when viewed from the property and its garden. The appellant is willing to reduce night-time illumination to 100cd/m² and to switch off the display between midnight and 0600 hours. However, in my view, these measures would not sufficiently mitigate the impact on the occupiers of the neighbouring dwelling.
10. Reference has been made to the proposed advertisement reducing CO₂ emissions and waste through reduced vehicle trips to the site, to replace the current poster sheets and their subsequent disposal to landfill. However, no evidence has been provided to quantify the claimed reduction in CO₂ emissions. Likewise, I have no evidence that the suggested social and economic benefits of the proposal, including use of the display for charitable campaigns or emergency messaging would occur, or that the development would reduce the number of displays across the network. Nonetheless, these matters do not justify allowing a development that would cause harm to the interests of amenity.

11. Concerns have been raised by the appellant in respect of the time taken by the Council to determine the planning application. This is a matter between the appellant and the Council and is not relevant to my decision.
12. I conclude that the proposal would result in an unacceptable effect on the amenity of the area, including the amenity of neighbouring occupiers at 2 Daisy Mount. In accordance with the Regulations, I have taken into account paragraph 136 of the Framework which seeks to control advertisements in the interests of amenity. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with the Framework in this regard.
13. The appellant has suggested that Section 8 of the Replacement Calderdale Unitary Development Plan (2009) is applicable to the appeal. Policies BE12 and BE13 contained within this section were deleted by direction of the Secretary of State in 2009. They are not relevant to my decision as a result.

Conclusion

14. For the reasons identified above, I conclude that the display of the advertisement would be harmful to visual and neighbouring amenity and the appeal should be dismissed.

M Clowes

INSPECTOR