The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/M0655/Z/21/3284296
3-5 Fennel Street, Warrington WA1 2PA

- 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 Paul Blythe, Wife to Be, against the decision of Warrington Borough Council.
- The application Ref 2021/39637, dated 19 June 2021, was refused by notice dated 17 August 2021.
- The advertisement proposed is a LED screen.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has drawn my attention to Policies QE 7 and QE 8 of the Warrington Borough Council Local Plan Core Strategy (July 2014) (the CS) which it considers relevant to this appeal and I have taken them into account where relevant. However, the powers to control advertisements under the Regulations[1] may be exercised only in the interests of amenity and public safety, taking account of material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach.

Main Issue

3. The effect of the proposal on the visual amenity of the area, including the setting of nearby heritage assets.

Reasons

4. The host building occupies a prominent location adjacent to a busy highway junction. There are numerous elements of street furniture, including highway signage and street lights, in this locality and the highway network and infrastructure is complex. The area therefore has a strong commercial character.

5. The proposed LED screen advertisement would be elevated at first floor level and would span the full width of the host building, effectively covering an attractive first floor window display. A second screen would also replace an existing illuminated fascia sign. Collectively they would be disproportionately large and overbearing on the front elevation, thus detracting from the modest character of the building. Furthermore, along with the existing advertisements

[1] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

on the gable walls, the proposal would result in an intensification of large illuminated advertisements in this location which would contribute to an overly cluttered and busy feel that would be visually intrusive to the building's appearance and the wider area.

6. I recognise there are other illuminated advertisements nearby. However, they are proportionate in size and design in relation to the buildings on which they are sited and are not therefore overly dominant, unlike the appeal proposal.

7. The appellant indicates that the first floor window of the host building is brightly lit 24/7 and suggests that illuminated screens could be placed within the window without the need for consent. Be that as it may, I am not convinced that this would have the same harmful effect as the appeal proposal. The ability to control the luminosity of the proposal would not negate its incongruous design and siting.

8. My attention has also been drawn to examples of advertisements which have been granted consent in the locality. Based on the very limited information before me I cannot be certain that the details or context of these examples are directly comparable thus they do not serve to justify the appeal proposal.

9. The proposed advertisement would also be within the setting of the Church Street Conservation Area (the CSCA) and the Buttermarket Street Conservation Area (the BSCA). The significance of the BSCA, which is located to the west of the appeal site beyond the roundabout, lies predominantly in its enclosed streetscape that is dominated by historic buildings, notably St Mary's Church. To the east of the site is the CSCA, whose significance appears to be largely derived from the wider street which is curved towards a focal point of the spire of St Elphins Church in the east, which is a Grade II* listed building.

10. As the appeal site is located a significant distance from the listed building and, due to the area's strong commercial context, which would have changed over time, the appeal site makes no real contribution to the significance of the listed building or either conservation area. Accordingly, the proposal would have a neutral impact and thus would preserve the setting of these individual heritage assets, in accordance with Policy QE 8 of the CS.

11. Nevertheless, for the reasons given above, the proposal would result in unacceptable harm to the visual amenity of the area. Although not decisive, it would be contrary to Policy QE 7 of the CS whose purpose is to ensure a high quality place.

12. Reference has been made to the Town Centre SPD however as I have not been provided with a copy I have not had regard to it within my decision.

Conclusion

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

H Ellison

INSPECTOR